

Frontline

U.S. Customs and Border Protection



Fall 2010



THE SILENT VIGIL

CBP Welcomes Anti-Terrorism 'Pioneer' - Page 12

Hitting the Target - Page 18

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CBP

Photo by James Turello



Vigilance

FALL 2010

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★ ON THE COVER

The Air and Marine Operations Center is a state-of-the-art law enforcement radar surveillance center, originally designed to counter the ongoing threat of airborne drug smuggling. Along with CBP personnel on the ground, in the air and at sea, the AMOC is a critical asset in our nation's defense.



Photo by Juan Muñoz-Torres

COMMISSIONER BERSIN DESCRIBES 21ST CENTURY

Speaking before about 150 members of the Border Trade Alliance at their annual conference, CBP Commissioner Alan Bersin outlined a 21st century border vision that seeks integration of security and facilitation and sees borders as flows of people and goods, not just lines in the sand.

Bersin delivered the keynote address at the Border Trade Alliance national conference in McAllen, Texas, during the second prong of his South Texas trip, which included a stop to inaugurate the Corpus Christi unmanned aircraft program.

Bersin's speech emphasized a border "paradigm shift." He urged a re-examination of the old mantras about balancing security and facilitation.

Bersin explained that integrating security and facilitation hand in hand will ultimately strengthen them both. It is not a zero-sum game in which 100 percent security must equal zero percent facilitation or vice versa, he said.

He suggested a holistic approach, viewing the border as flows of people and goods and securing those flows as far from the border as possible. He emphasized in Spanish that to develop a 21st century border vision, we must keep in mind that "El futuro ya no es lo que era antes" or "the future is not what it used to be."



★ Commissioner Alan Bersin participates in a press briefing following a private meeting at the Border Trade Alliance national conference in McAllen, Texas.

One way to achieve that vision is through risk segmentation, separating members of trusted traveler and trusted shipper programs, such as SENTRI and FAST, from traffic that we know less about. This risk segmentation allows CBP to focus its resources on higher-risk traffic while facilitating the processing of low-risk goods and people.

Bersin suggested increasing the membership in SENTRI and FAST programs to help expedite legitimate trade and travel.

He also noted that the 21st century border involves new approaches to funding border infrastructure, including a shift toward more private-sector funding of port of entry facilities. In this fashion, the number of crossings would ultimately reflect what the market will bear. Bersin noted that private sector funds will finance a pedestrian crossing to lead from San Diego to the Tijuana airport. The presidential permit for that project came through in nine months.

Bersin also spoke about managing by account, which ultimately helps to make trade processing more efficient for large-scale importers and exporters by focusing on internal compliance controls rather than individual shipments.

Bersin met privately with top trade officials and federal, state and political leaders to discuss border security issues. He

then participated in a brief press conference with U.S. Rep. Henry Cuellar and Border Trade Alliance representatives on joint efforts to create a secure 21st century border.

Prior to his BTA speech, Bersin spoke at musters at the McAllen station and the Anzalduas International Bridge. He outlined how enforcement efforts beginning in the early 1990s in California and Texas have focused illegal alien traffic toward the Arizona border. Bersin noted that the impact of large-scale increases in Border Patrol personnel and equipment have driven apprehension rates to record lows. As CBP works to tighten the line in Arizona, Bersin emphasized the need to look for displacement of alien traffic to more remote locations and coastal areas.

BORDER AT CONFERENCE



Frontline

FALL 2010

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The Secretary of Homeland Security has determined that publication of this periodical is necessary in the transaction by CBP of public business as required.

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MAIL: U.S. Customs and Border Protection
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Washington, DC 20229

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★ The Citizens Academy, which graduated its first class on Aug. 27, was created to foster better understanding among community leaders regarding CBP operations.

Port Hosts Nogales Citizens Academy

Tell me and I'll forget. Show me, and I may not remember. Involve me, and I'll understand." This Native American saying easily could have been included in the mission statement for the Citizens Academy at the Port of Nogales, Arizona.

The Citizens Academy, which graduated its first class on Aug. 27, was created to foster better understanding among community leaders regarding CBP operations.

The class consisted of 11 men and women from throughout Santa Cruz County. Many of them deal with CBP on

a regular basis in their work as managers, directors and civic leaders. All shared an interest in gaining insight into daily CBP operations.

To participate the attendees had to commit to a nine-week program. Allison Moore, communications director for the Fresh Produce Association, observed, "Most of us didn't really feel like the class was a commitment. It was something we wanted to do every week. We looked forward to it."

During the weekly two-hour sessions the participants learned about port operations. The curriculum allowed the participants to closely observe vehicle primary and secondary operations, passport

control, agriculture screenings, canine operations, cargo processing and rail operations.

Of particular interest were the sessions dealing with agriculture issues. Many of the students work in the agricultural industry and were keenly aware of the importance of agricultural inspections. After all, any major pest or bacterial infestation could severely impact their businesses.

According to Orlando Correa, the chief agriculture specialist at the Nogales Port of Entry, "We gave the participants an opportunity to be in our shoes and experience what it is like to do our jobs. We had them cutting up fruits and vegetables

and identifying insects." Students could see why officers so adamantly check agricultural products and wildlife.

The students soon discovered that agricultural checks were only a small part of what CBP officers deal with. They learned how to check for fraudulent identification and search for hidden compartments. They also saw first hand how difficult it can be to handle the volume of traffic flowing through the pedestrian lanes.

Nils Urman, a member of the board of directors for the Nogales Community Development Organization, commented, "The amount of laws and regulations that CBP is responsible for enforcing is daunting." He further observed that he found the academy to be, "...an incredible program. I would have loved to have done this many years ago."

Many of the graduates were impressed with CBP's concern for the trade community. Alicia Bon Martin, director of marketing for Wilson Produce of Nogales, shared what she learned at the academy while attending a tourism conference. She told her fellow business associates, "You know what? Our port director gets it! He understands the value of commerce. This port director is amazing."

Urman agreed. "The port director's enthusiasm and passion for his job and his people was obvious and terrific," he said.

When asked about their favorite part of the academy, the students all cited the same thing: the hands-on activities. Whether they were using a buster device on a vehicle, comparing identity documents or looking at an X-ray monitor, they all appreciated the opportunity to test their skills and truly get involved.

The Port of Nogales hopes to host another Citizens Academy class soon. Many of the graduates have already talked to others in the Nogales area about their experience and have encouraged them to attend. "Make the time, because it is an investment in our community," said Alicia Bon Martin. ■

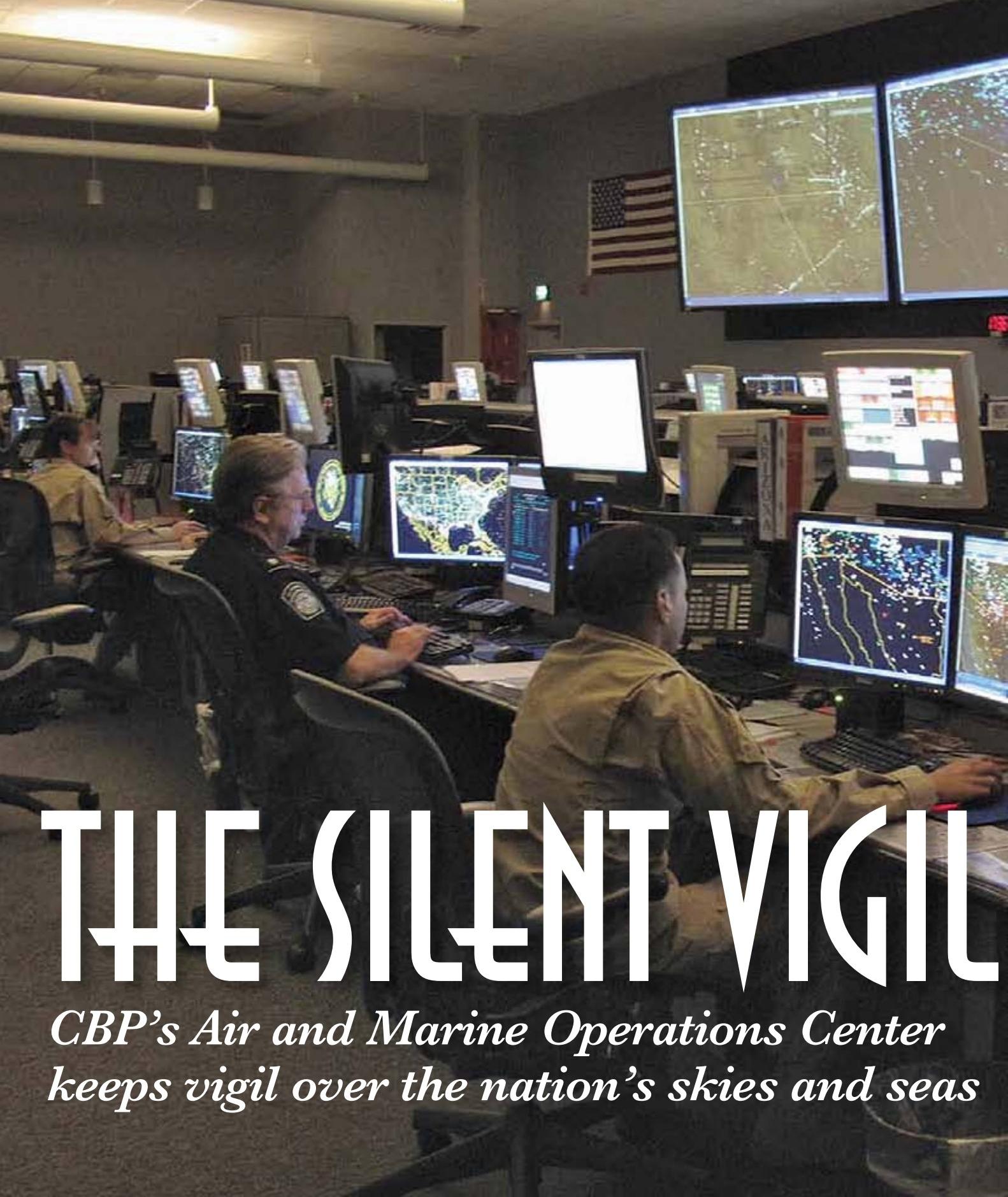
—by CBP Officer Jan Morin



★ Agriculture issues were of particular interest to many of the Citizens Academy attendees.



★ The Port of Nogales hopes to host another Citizens Academy class soon. Many of the graduates have already talked to other people in the Nogales area about their experience and have encouraged them to attend.



THE SILENT VIGIL

*CBP's Air and Marine Operations Center
keeps vigil over the nation's skies and seas*





★ Air and Marine air interdiction officers play an integral role in protecting the American people from acts of terrorism and smuggling across the borders of the United States.

BY JASON MCCAMMACK

At a small town in New Mexico, a municipal airport operator suspects one of his customers is up to no good. The pilot of a small airplane insists on paying his large gas bill with cash and has made it clear that he doesn't want any of the station's attendants anywhere near his plane. The station owner calls his contact at CBP's Air and Marine Operations Center in Riverside, Calif., and a team of Detection Enforcement Officers (DEO), Enforcement Aviation Specialists (EAS) and Intelligence Research Specialists (IRS) immediately goes into action. Does the behavior of the pilot and the information gathered about the plane and its pilot create reasonable suspicion that something is amiss? The EAS refers the information to local law enforcement officials to take a closer look.

Using the enormous resources they have at their fingertips, the AMOC team digs for the truth in scenarios like this every day.

The AMOC, as a national law enforcement entity, plays an integral role in protecting the American people from acts of terrorism and smuggling across the borders of the United States.

"AMOC is the foremost aviation-oriented law enforcement operations/coordination center in the country," said AMOC Director Tony Crowder. "The Air and Marine Operations Surveillance System we have here is the most advanced surveillance system in the United States."

AMOC is responsible for securing the airspace along U.S. borders and beyond through detection and monitoring of threats within the continental United States and extending 100 nautical miles offshore

and 150 nautical miles from the shores of Puerto Rico. AMOC works closely with Border Patrol, Office of Field Operations, Immigration and Customs Enforcement, the Department of Defense, Federal Aviation Administration, Drug Enforcement Administration and many other federal, state and local law enforcement agencies and government partners to fight criminal activity and emerging transnational threats.

Fully integrated sensors and databases provide the Department of Homeland Security and interagency partners with highly-sophisticated domain awareness and the ability to direct law enforcement agents in the prevention and interdiction of terrorist/criminal activity.

"We've become more involved in the overall defense of the nation in recent years," said AMOC Senior Research Specialist Rob

Keller. "When I started here in 1998, the mission was very border-centric. We were part of U.S. Customs and our focus was on prevention of air smuggling. Eventually we became more intelligence-driven. Post-9/11, we took on a much greater role in the security of the nation's interior. We found that, surprisingly enough, the AMOC was the only national facility that had the capability to survey the nation as a whole."

The day everything changed

September 11, 2001, was, in many ways, the day everything changed for the men and women who work at the AMOC.

"I was working as a DEO on 9/11 and on the subsequent days and those were some of the busiest and most stressful days that we've had here," said Keller. "There were times where we did nothing for several consecutive days but sit at a radar scope with an FAA air traffic controller and we had to identify every plane moving within the country because there was a ban on flight. We identified them, tracked them, followed them and then reported them to local police so they could detain them until the Secret Service could come and interview them. It was a very intense, very stressful period for everyone, but we were the only ones the nation could rely on to get a picture of what was really going on in general aviation.

"Since 9/11, we've added many more radars domestically, we've increased our manning and we've taken a number of steps to more fully support a widening customer base," Keller added. "The mission has expanded tremendously."

Connecting the dots

Information is what the AMOC is all about. Personnel focus on the development of information that can be used to catch criminals in real-time. They deal with tactical intelligence or actual intelligence, meaning that based on their training and experience they can observe an aircraft doing a particular pattern of activity and validate that behavior to have been involved previously in some kind of illegal activity. AMOC then notifies law enforcement agency partners, who then can interview the pilot and

determine the nature of the flight.

"Another aspect of intelligence we deal with is strategic outlook," said Keller. "We know what is happening right now, but strategically we want to know what areas the traffickers are moving towards. What are they going to do? Are they moving to ultra-light [aircraft]? Are they using business jets?"

It takes a very specific type of person to do the stressful work done at the AMOC.

"One particular skill you need in the quest for information is to be inquisitive," said Keller. "If you're the type of person that takes everything you see at face value, you may be limited in your ability to look beyond the obvious. Every person that we've stopped that turned out to be a drug trafficker had some kind of story that they were going to propose. If you took their story at face value, you wouldn't have made the necessary checks or gone the next step that allowed you to uncover the illegal activity."

The personnel who fill the AMOC's positions come from varied backgrounds including air traffic control, intelligence, communications, information systems and

law enforcement.

"This has to be one of the toughest jobs out there because you can be superb at analyses, but until you understand all the facets that we're dealing with—radar concepts, rules and regulations for piloting, aircraft characteristics and terrain, just to name a few—there is a really steep learning curve," said Keller.

"What makes AMOC special is the people and their training and experience," Keller added. "There are many people doing bits and pieces of this job, but what has made us so successful, in terms of seizures, is that we're focused and we're here to catch crooks. That may sound simplistic, but it explains why we exist. We're focused on results, we know what our mission is and our people have a unique level of training and experience that is lacking in other agencies."

A lot of AMOC's responsibilities directly overlap with the work of other agencies. One of its main customers is the FAA, which relies on the specific training and complex systems, including flight plan



★ CBP personnel from the offices of Air and Marine, Field Operations and Border Patrol work side by side inside the operations center.

"The Air and Marine Operations Surveillance System we have here is the most advanced surveillance system in the United States."

—AMOC Director, Tony Crowder

databases, which are only available at the AMOC.

"The FAA is one of our biggest customers and we've been able to assist them in making significant cases to identify people running illegal charter airlines, illegal air ambulance services and many other, often felonious, illegal activities," said Keller.

Maintaining lines of communication

The personnel who work in the systems division ensure that all the circuits are up and running, as well as the radios and radars, to support the operations floor.

"I really get satisfaction from working here," said Telecommunications Specialist Joe Smith. "It's like a war going on that the public doesn't really get to see and we're fighting it every day. The job satisfaction is immediate. When we make a bust, I know that I was able to play a part in that by keeping the radars up and displaying the information our intelligence people and law enforcement people in the field need to do their jobs."

Anytime there is a high-profile spectator event or a natural disaster, you can bet that personnel at the AMOC are

standing watch or gathering intelligence to help the men and women on the ground.

"I know that every day, maybe even every hour, I can make a difference on a national level with what we're doing here," said AMOC Systems Technician Stephen Rouille. "We are keeping America safe and I've never worked anywhere else where you can actually see that happening. You see certain things on the news, and you know that we were involved with that. You can't talk about it, but you know you played a role. It could be the Super Bowl, the oil

spill—any natural disaster, in fact—we're involved in so many things on so many levels."

Working side by side

Border Patrol agents and CBP officers work alongside AMOC DEOs and EASs. Currently nine Office of Field Operations personnel and five Border Patrol personnel are stationed at the AMOC.

AMOC management requested Office of Field Operations staff to help coordinate the DEO's issues with the points of entry into the United States.

"We've integrated all of the CBP officers onto the floor of the operations room alongside the DEOs" said OFO Supervisory Program Manager Joseph Vindiola. "It's a lot better to have OFO personnel here at the AMOC who can reach out directly to the field and clearly communicate the issue at hand. Now a DEO doesn't have to spend all that time on the phone with officers at the ports of entry. They coordinate with the OFO personnel, who are able to do the legwork. This gets the DEO back on their screen and working on something else. Because of our



Photo by Juan Munoz/Torres

★ AMOC works closely with Immigration and Customs Enforcement, the Department of Defense, Federal Aviation Administration, Drug Enforcement Administration and many other federal, state and local law enforcement agencies and government partners to fight criminal activity and emerging transnational threats.

integration into the AMOC, our skies are safer. We are able to provide the necessary information within seconds. Speed matters in this business. We need to be able to respond before an aircraft enters our airspace."

One of the primary reasons Border Patrol is present at the AMOC is to gain better situational awareness of the air threats occurring in real-time and to provide that intelligence to the field in the most expedient way possible so agents can take appropriate enforcement action.

"We work on the operations floor as liaison officers," said AMOC Border Patrol Liaison Lead Rick Lopez. "Whenever there is a detection of an air, ground or marine suspect target by the DEOs, the information is passed on to us and we coordinate the enforcement action with the Border Patrol sectors."

Two primary contributors to AMOC effectiveness are the Air National Guard and the FAA.

"We serve in a law enforcement support role," said Intelligence Research Specialist, Air National Guard Capt. Blue Calderilla. "We are the DOD support to the AMOC and we currently have seven personnel here. At a lot of duty stations you don't necessarily get to see the endgame. You wonder, 'Is what I do meaningful?' Here at AMOC, it's immediate satisfaction. You get to witness the entire process as it evolves."

"I act as a go-between for the law enforcement activities from AMOC and FAA," said FAA Liaison Dan Hicken. "I try to ensure that they are able to do their job here without impacting the national airspace system. Basically, we try to make sure the AMOC gets what it needs without impacting the FAA's job."

Hicken stated a sentiment that seems to be universal among the men and women working at the AMOC.

"We have a great working relationship with CBP and all the other agencies represented here," he said. "I love working at the AMOC. I believe in the mission and believe that it's unbelievably important." ■



★ Air and Marine pilots, as well as marine and ground personnel, coordinate with AMOC personnel during high-profile spectator events and natural disasters.



CBP Welcomes Anti-Terrorism Pioneer

*Agency teams with
camaraderie with*

★ At the Advanced Training Center's firing range, Makoto Kikuchi practices in the Firearms Instructor Training class.



*State Department to build capacity,
Japanese immigration officer.*

BY SUSAN HOLLIDAY

Officers filled a classroom at CBP's Advanced Training Center, their notebooks open, viewing slides projected at the front of the darkened room. All the officers, intent on the secondary processing course material, wore blue uniforms with the familiar CBP patch on the right sleeve—except for one, who sported a patch with the bright red sun of the Japanese flag.

Makoto Kikuchi, a supervisory immigration control officer with the Ministry of Justice in Japan, spent 11 weeks in first-of-its-kind training as a foreign national learning side by side with CBP personnel at the agency's training center in Harpers Ferry, W.Va. His presence was orchestrated by the State Department and CBP's Office of International Affairs after Kikuchi was accepted for a fellowship to study, as he put it, "countermeasures against global terrorism through immigration control."

"I believe the United States is one of the most developed countries in the world against global terrorism," said Kikuchi. "So I came here to learn."

As an enforcement superintendent at the East-Japan Immigration Center with a good command of English, Kikuchi applied to study with CBP, FBI and Immigration and Customs Enforcement through Japan's National Personnel Authority Fellowship. The

Japanese government, each year since 1974, has sent career national government officials overseas to experience first hand the work of their counterparts in government agencies of other countries. Today 30 to 40 of Japan's government workers annually travel abroad on this program, with approximately 10 to 15 U.S.-placed fellows pursuing independent research or receiving training or temporary appointments from host federal agencies.

CBP had previously hosted fellows from Japan and other countries to research or observe its processes, but Kikuchi is the first to attend the same classes taught to CBP personnel on specific anti-terrorism and immigration techniques, according to Dean Duval, the international desk officer for Japan in CBP's international affairs office. Duval coordinated Kikuchi's work with CBP and served as his agency liaison. With Kikuchi breaking new ground, Duval said he had to "get creative" to serve the Japanese officer's training aims.

Striving for balance

Kikuchi's aims were very high. "I came to the United States to learn how to designate terrorist members or organizations," he said, "how to assess the information about specific persons when you encounter the suspected terrorist at the port of entry, how to assess if he's a real one or not. That's why

I wanted to study the system of the CBP to screen the terrorists, the investigation techniques, the interview techniques, and how to share the information with other agencies or countries. How to react when you find a real one, how to arrest and how to clear. How to remove and how to prosecute."

As Kikuchi outlined parts of his agency's immigration mission, it sounded strikingly similar to goals articulated by CBP. The government of Japan is striving for "a balance," he said.

"The Bureau of Immigration is targeting a specific amount of time for immigration inspection and we try to reach the target," said Kikuchi. "We have to establish strict screening and also facilitate smooth travel. We have to achieve them both."

In his proposal for U.S. study, Kikuchi requested to work closely with the FBI Terrorist Screening Center, the Joint Terrorism Task Force, CBP's National Targeting Center and other high-level anti-terrorist programs. The U.S. agencies had to politely decline, due to his lack of security clearance.

Though disappointed, Kikuchi completely understood the rationale and made the most of the access he was allowed. His two weeks of training with the FBI — learning counterterrorism methods and tactical-shooting, clearing-and-entry, and vehicle-stop techniques — were "fantastic," he said. His five weeks with ICE, again gaining counterterrorism strategies plus special-response-team training and investigation/deportation skills, were equally helpful.

A full semester

Then came CBP for 11 weeks, the lion's share of his U.S. visit. Before Kikuchi's arrival, Duval got the green light from Advanced Training Center Director James Cobb to devise with the ATC staff the most useful training curriculum possible for the Japanese visitor. The resulting lineup included advanced admissibility secondary processing, intermediate force instructor and firearms instructor training programs.



★ Makoto Kikuchi, center, and classmates learn defensive techniques in the Advanced Training Center Intermediate Force Instructor class.



★ While learning techniques to take down an opponent, Makoto Kikuchi, top, and a classmate in the Advanced Training Center Intermediate Force Instructor class struggle for the upper hand.

Even with Kikuchi's course roster solidified, glitches arose. The ATC staff deemed sections of the admissibility syllabus too sensitive for Kikuchi to attend, so they ensured that his time was well spent, enrolling him in classes to learn additional firearms techniques and specialty munitions systems, such as the pepper ball launcher.

The ATC staff gave Kikuchi a "great experience," said Duval. "Without hesitation, they supported him at every step. They were flexible and supportive, and worked to include him in as much of the ATC learning as possible." He credited the quality of Kikuchi's experience to the "cooperative spirit" among the many CBP offices and staff at all levels.

About halfway through his time with CBP, Kikuchi attended the graduation ceremony for the officers who completed the advanced admissibility secondary processing program, his first course of CBP study. He understood that he wasn't graduating per se — he hadn't participated in the full course.

So he was surprised and touched when called to the stage to be recognized for his

participation and receive CBP and ATC mementos from his course instructor, Christopher Danzo.

Kikuchi "brought a different perspective" to the class, said Danzo. "It's mutually beneficial anytime we get to exchange operational information with immigration counterparts from another country," explained Danzo.

Supporting U.S. objectives

Danzo's thinking mirrors the mission of CBP's international affairs office. "Mr. Kikuchi's [involvement in this] program helps to develop and maintain a relationship with the Ministry of Justice, Japan Immigration Bureau, by providing foreign assistance that supports U.S. objectives in anti-terrorism, border security, immigration, capacity building, and the facilitation of legitimate trade and travel," said Robert Thommen, CBP attaché to the U.S. Embassy in Tokyo.

"Japan is a trusted ally and, with nearly 60 direct flights per day, a travel hub to and from Asia," added Thommen. "This

cooperative effort is a key part of a much larger effort to support our commitment to international coordination and building capacity for counterterrorism techniques."

CBP often refers to "capacity building" when discussing mission and objectives. The United Nations defines "capacity" as the ability of people, organizations and societies as a whole to manage their affairs successfully. It calls capacity development or building "the process of unleashing, strengthening and maintaining capacity." CBP's international affairs office characterizes its capacity building goal as "training and assistance to foreign border-control agencies to strengthen global supply chain and travel security."

Duval described CBP's capacity building efforts more figuratively as "kind of like the genie in the bottle: you put a lot of work and information in a small container and when you open that container a lot of good things come out."

By hosting Makoto Kikuchi, CBP foresees that the know-how he gains will help build his country's counterterrorism capacity.



★ Prepare to fire: Makoto Kikuchi, front right, readies ammunition at the Advanced Training Center firing range.

Shared priority: Prevent terrorism

Kikuchi, who turned 45 while training at the ATC, has spent nearly 25 years in immigration and law enforcement, including three years as the immigration attaché at the Japanese Embassy in the United Kingdom. He portrays his agency, Japan's Bureau of Immigration, as comparable in function to the former U.S. Immigration and Naturalization Service, responsible for frontline inspections at ports of entry, refugee asylum screening, plus the inspection, arrest, detention and removal of illegal immigrants and foreign criminals.

Kikuchi describes himself as a "practical operator" on the job, and his reasons for

applying for the U.S.-study fellowship are just as practical. "My job in Japan is to prevent undesirable aliens from entering, and removing them," said Kikuchi. "The worst undesirable aliens for Japan are terrorists. A hundred stowaways wouldn't cause too much trouble, but 100 terrorists would cause big trouble. My first priority as an immigration officer is to prevent terrorists."

"But we don't know enough about terrorists," he continued. "We need to know practical ways to stop terrorists." He paused, searching for the right word. "I wanted to be a pioneer."

When Kikuchi applied for the fellowship,

"I really didn't think seriously I'd be accepted," he said. After seven months, he got word that he'd been selected, but in that time his wife had become pregnant with their second child. So he turned down the offer, at first. "It was my dream to get training in the United States," said Kikuchi, "but I chose my family." When a ranking officer allowed him to significantly delay his departure to America, his wife urged him to take advantage of the opportunity, so he accepted. He began his fellowship in March 2010.

The separation wasn't easy. His 6-year-old son was in his first year of elementary school, and Kikuchi celebrated his daughter's first birthday by watching his family eat cake



Photo by Gerald Nino

violent detainees and looks forward to incorporating much of what he's learned from CBP into his training program. He particularly appreciates how the ATC concentrates on real-life circumstances. "They aren't talking only about the idealistic situations that you study at university or college," said Kikuchi. "CBP trainings are very related to the actual situations. You guys are studying how the officers were killed or how the illegal aliens acted or what kinds of forged passports are used. The ATC studies a lot of modus operandi and then teaches how to react to the really-happening situations."

Kikuchi intends to introduce different options so his office can choose which are best for Japan, including intermediate force tactics and weaponry. While he's been learning martial arts since he was a child, "My techniques are complicated and need a lot of time to master," Kikuchi acknowledged. "Ideally officers should be familiar with martial arts techniques. However, in the real situation they don't have time to train a lot. Within a minimum of time they have to get maximum outcome." The techniques he learned at the ATC "are basic and don't need a lot of time to master—they work very well so they're realistic," Kikuchi added.

The Japan Bureau of Immigration is investigating new weaponry for its officers and, after his extensive firearms training from CBP, FBI and ICE, Kikuchi will be in a prime position to help his agency to decide. The possible introduction of new weapons may also entail "that we completely change the shooting training, the shooting policy and also to have our own shooting range. Now we go to the police shooting range," said Kikuchi. He hopes to share with his officers much that he learned. "Not only static shooting, but shooting from under cover or shooting under reduced lighting."

Kikuchi also was preparing for a new job as supervisor of immigration enforcement at Haneda Airport in

via the webcam he used every day to connect with them. From the start, when his family watched his plane take off in Japan, "My son suddenly started to run, crying, 'Papa! Papa!'" Kikuchi said quietly. "When my wife told me that, I really wanted to go back."

Real-life circumstances

Instead, he threw himself into his studies. Midway through his Intermediate Force Instructor course, Kikuchi was planning how to apply what he'd learned in America to his work back home.

One anticipated focus area was defensive tactics. Kikuchi oversees the apprehension and deportation operations of sometimes

"...The ATC studies a lot of modus operandi and then teaches how to react to the really-happening situations."

—Makoto Kikuchi

Tokyo upon his return. Currently Narita Airport serves as Tokyo's major international airport for Western flights. Haneda Airport, now used mostly for domestic travel, plans to open a new terminal for international flights, greatly expanding its need for immigration officers. Kikuchi will have a lot of work to do.

Among his expected responsibilities will be designing and conducting officer training, "I will do the practical [supervisor's] job and briefings and reports to the headquarters office about what we should do for our future: counterterrorism, firearms, defensive tactics. I may be joining the policymaking of firearms use. I will be very busy," he said, with a grin.

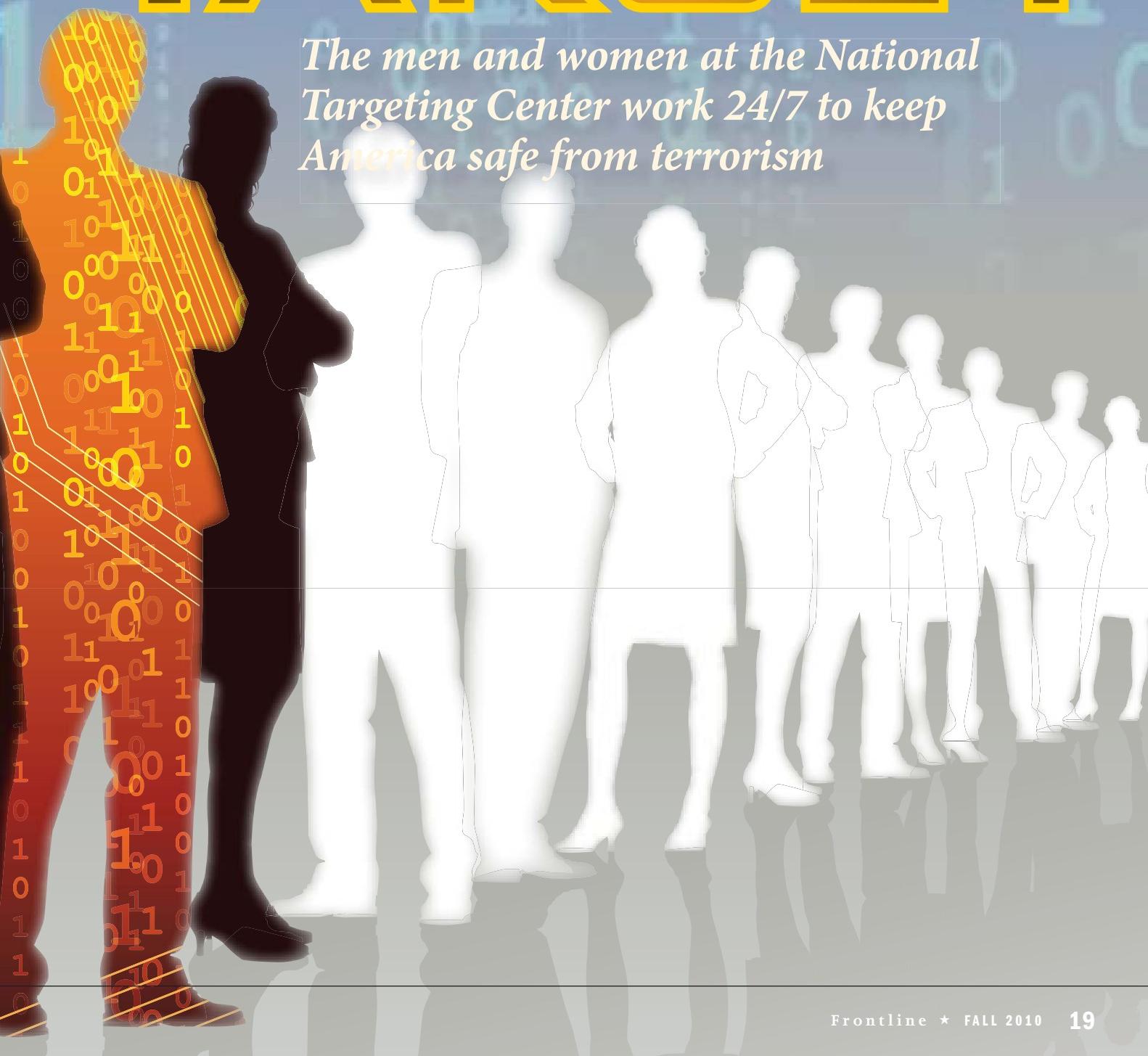
Then Kikuchi grew serious. "I learned a lot from CBP," he said earnestly. "I'm very proud of attending the ATC." ■

H



ITTING THE TARGET

The men and women at the National Targeting Center work 24/7 to keep America safe from terrorism



At first glance, it's easy to mistake quiet for calm.

After just a few seconds, though, that peaceful illusion is quickly shattered. The silence is born from some mix of intense concentration, pressure and the knowledge that, out of hundreds of decisions made in a day, the next one could be the most important of your life.

Amidst the seemingly palpable pressure of the National Targeting Center-Passenger, U.S. Customs and Border Protection personnel operate with professionalism that has twice in recent months led to arrests of wanted criminals and, perhaps more importantly, untold numbers of people seeking to do harm in our country being turned away.

"While not often recognized publicly, the quiet and stressful work of merging intelligence, sharing data and targeting our efforts on high-risk travelers and cargoes is critical to our national security," said CBP Commissioner Alan Bersin. "The key to securing flows of people, goods and cargo into our country is risk management and traffic segmentation, and targeting is the primary tool."

The job of the NTC-P is, at the highest level, a simple one: to keep people who seek

to harm the country from having the chance to enter the U.S. What seems simple in concept, though, becomes intensely complex in execution.

How complex? According to statistics from the U.S. Department of Transportation's Bureau of Transportation Statistics, there were 1,257,180 international flights either into or out of the U.S. in 2009. Each one of them could contain someone who agencies across our government have deemed a threat.

"I don't think most people realize that 72 percent of all terrorist watchlist encounters nationwide—in any government agency—come through NTC-P," said Troy Miller, the center's director. "We're at the focal point of being able to collect information on people of interest and further investigate and identify unknown persons through those investigations."

A fundamental shift

While the work of NTC-P is best known in the light of the apprehension of accused Times Square bomber Faisal Shahzad and alleged multi-state serial killer Elias Abuelazam, one arrest made by CBP personnel served to fundamentally change how the center does business. It's such an important moment in the center's history that its employees refer to it as

just two numbers: 12/25.

Last Christmas Day, Umar Farouk Abdulmutallab, a Nigerian citizen, boarded a flight bound for Detroit, and while over the U.S., attempted to ignite an explosive device while on board the plane. While Abdulmutallab was stopped in his effort and brought into custody by CBP officers when the plane landed, the incident had a major impact.

"It changed the way we do business," said Miller. "We went from operating in a post-departure environment to a pre-departure environment. On 12/25 our job became to keep high-risk passengers off planes before they take off overseas."

First and foremost, the new focus serves to extend the nation's border farther from any physical dividing line. In the process, though, the NTC-P lost a critical element: time.

"In the past, there may have been a suspicious individual on a flight, and we would have from eight to 10 hours to evaluate them while they were in the air, before they arrived at a port," said NTC-P Assistant Director Wayne Biondi. "Now, we regularly have less than an hour before a flight takes off to make a decision. It raised the stakes, and we don't have the luxury of time."



★ NTC-P Assistant Director Wayne Biondi (left) and NTC-P Director Troy Miller lead a center that exemplifies partnership within CBP and among partners in DHS and across the federal government.

Photo by James Turtelotte

Building partnerships, connecting dots

While details of the center's operations are considered sensitive, the process requires taking information from a wide variety of sources, connecting that information to people, making sure that the people in question are matches to those who should not enter the U.S., and ultimately taking steps to keep them off the flight.

Along the way, targeters are in constant contact not only with CBP personnel in the field but also with staff from agencies around the government. Indeed, while NTC-P is managed by CBP's Office of Field Operations, its work is—and must be—a

**“It raised
the stakes,
and we
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*—NTC-P Assistant
Director Wayne Biondi*



★ NTC always stays in close contact with personnel in the field.

model of cooperation both within CBP and between federal agencies.

On the floor of the center, located in Northern Virginia, CBP officers and Border Patrol agents acting as targeters man terminals, working side by side and providing support to the field. For an officer or agent in the field interacting with NTC-P, the experience is seamless. Officers in the field may talk to agents on the targeting floor, and vice versa.

The center receives support from the Office of Air and Marine in working with civil aviation, and the Office of Intelligence and Operations Coordination synthesizes data for the center and develops the rules that govern how the targeters do their jobs. In addition, the Office of Information and Technology provides critical infrastructure support for the systems that ensure that NTC-P can operate effectively 24 hours a day, seven days a week, 365 days a year.

Cooperation within CBP, however, is only the first step. The NTC-P acts as a critical link in the anti-terrorism and law enforcement efforts of the government as a whole. Information that feeds the databases at the heart of NTC-P's work includes data from both the federal law enforcement and intelligence communities.

“It’s all one mission, the anti-terrorism mission,” said Miller. “That’s what we do here. It’s easy to say you have a so-called ‘fusion center,’ but where you get into trouble is if you have divergent missions. For us here, we have a common mission with

other agencies, and serve as a hub to bring information to bear.”

NTC-P officials are in daily—if not much more frequent—contact with the Terrorist Screening Center, the FBI, Department of State, other DHS components including U.S. Immigration and Customs Enforcement, and agencies within the intelligence community. In many cases, these agencies have full-time or part-time staff co-located at NTC-P to enhance collaboration.

“Information sharing is a big piece of it,” said Biondi. “To have somebody from one of these agencies who you have an established relationship with and you need something quickly, they share that immediacy, that urgency. That’s a big plus.”

Training is key

The staff of the NTC-P consists of both those permanently stationed with the center and a significant number of officers and agents from the field who serve on temporary duty assignments. Specialized work requires specialized education, and time spent as a targeter comes with an intensive multi-week training program.

Working at NTC-P requires targeters to have a significant technical familiarity with the databases and computer systems that power the center's operation along with an ability to quickly read and assess situations. In short, NTC-P is a place where the power of technology and the power of human intuition live side by side and work in harmony.

"We want to change the mindset, and are we accomplishing that change? I say absolutely."

—NTC-P Director Troy Miller

"Instinct starts at the field level, and all our staff started in the field before probably doing a [temporary duty] here and then coming here on a permanent basis," said Miller. "Once they come to NTC, though, we do a great training program that's been recognized as one of the best, if not the best, programs when it comes to analytic skills."

That training takes place over three weeks, and is overseen by John Maulella, the center's program manager for training, and a staff of experienced trainers. According to Maulella, the program is designed not only to introduce the new targeters to the technology they will use, but also to help them adjust to the intense environment of the targeting floor.

"This kind of work—highly engaged and shifting to meet whatever needs arrive—requires staff to be cross-trained to deal with the wide variety of situations they may face," he said.

The first two weeks of the training are a focused course in both how to use the databases available to the NTC-P and in how to connect the information the databases provide in ways that provide a useful picture of the situation at hand. The environment in the training room strikes a visitor as a cross between a college classroom and boot camp: students diligently work through scenarios while instructors provide help along with emphatic reminders about the importance of accuracy.

In the trainees' third week, they move onto the targeting floor itself, where they work on real data under the watchful eye of trainers and their colleagues.

"Being out on the floor is really the only way you can develop that instinct for what is a high-profile situation," said Maulella. "It's the same sense you get when you walk into your house and can just sense when something isn't right. You learn it by experiencing it."

Connecting with the field

Having personnel from the field spend time on temporary duty provides two benefits to the NTC-P and to the agency, according to the staff of the center. First, it brings to the center employees who have a wealth of real-world experience from the field.

"One of the things you see here in the targeters is that they do have the experience, the intuition, and they also have the dedication," said Miller. "It takes a lot of dedication, digging, wanting to do the right thing 100 percent of the time and never giving up and really following that string of evidence until it's done."

Second, and perhaps more importantly, says Miller, the temporary duty assignments provide hands-on experience within the environment of the targeting center for employees in the field, providing an invaluable connection during a crisis when

information must be exchanged quickly between the NTC-P and the field.

"Since our mission has evolved, our goal is to bring in people from the field and show them that the goal posts have changed," he said. "We want to change the mindset, and are we accomplishing that change? I say absolutely. They take that back to their ports of entry and the NTC-P is no longer this stranger on the other side of the phone, they now understand that sense of urgency."

It is that sense of urgency that lies beneath the apparent calm that defines the NTC-P and its work. While the actions of CBP personnel in the center that led to the arrest of suspected criminals seeking to escape the country have put NTC-P in the spotlight, the greater victories are probably those in which nothing happens at all.

"Was one of these people we prevented from boarding maybe another potential terrorist like we saw on 12/25? The answer to that question is that, luckily, nothing has happened," said Biondi. "Is it someone trying to smuggle something, to do harm to our country, only to get turned around, go home, change his mind and give up on it? That's the satisfaction. That's what makes this work worth it at the end of the day."

"And then we come in the next day," said Miller, "and start the process over again." ■



★ CBP personnel at ports of entry welcome nearly a million travelers each day who are entering the United States.

STOP AND THINK!



Visit www.CBP.gov for agricultural requirements before your trip!

For more information you may also visit the APHIS Plant Protection and Quarantine website at www.aphis.usda.gov/ppq.

WE UNDERSTAND WHY YOU MAY WANT TO BRING A BIT OF BEAUTIFUL MEXICO TO THE UNITED STATES, BUT BE AWARE THAT THERE ARE CERTAIN ITEMS YOU CANNOT BRING ACROSS THE BORDER. SO BEFORE YOU TRAVEL, VISIT THE U.S. CUSTOMS AND BORDER PROTECTION'S WEBSITE FOR MORE INFORMATION ABOUT AGRICULTURAL REQUIREMENTS.

CAUTION:

YOU MUST DECLARE ALL MEATS, FRUITS, VEGETABLES, PLANTS, SOIL OR ANIMAL OR PLANT MATERIAL PRODUCTS.



CBP



Program Streamline Immigration

BY DENNIS SMITH

Undocumented immigrants attempting to enter the U.S. illegally historically have tried to avoid being apprehended by Border Patrol agents, but in late 2005, just the opposite started to happen in Eagle Pass, Texas.

Droves of Central and South Americans were openly crossing the Rio Grande River in hopes of getting caught. Agents couldn't pick them up fast enough.

It wasn't uncommon for undocumented immigrants to flag down a marked Border Patrol unit only to get testy when they learned they would have to wait for a ride since the vehicle was already full. Some would even make their way, on foot, to the Eagle Pass Border Patrol Station.

On Dec. 6 of that year, things changed. An untested solution to a previously unheard-of problem was launched, and now, five years later, the moment is viewed as a milestone in immigration enforcement in the U.S.

The solution—called Operation Streamline—aimed to stop the flow of undocumented immigrants taking

advantage of loopholes caused by limited resources and outdated enforcement approaches. The program worked by using a two-pronged approach of criminal prosecution and administrative sanctions.

What began in a half-mile section of riverfront along the Rio Grande in Eagle Pass, Texas, has now been adopted by six of the nine Border Patrol sectors on the Southwest border.

Catch...and release

Historically, most Mexican nationals apprehended for illegal entry into the U.S. were offered voluntary return to Mexico once they were processed, provided they did not have criminal records or a high number of prior illegal entries. Those deemed recidivists, dangerous or suspected of smuggling, were processed for prosecution.

Voluntary return, however, was not an option for anyone from countries other than Mexico because the process required a common land border. These "Other Than Mexicans," or OTMs, could only be repatriated to their native country, which involved a more complicated, time-

consuming and expensive process.

Border Patrol agents processing OTMs were guided by policies of U.S. Immigration and Customs Enforcement's detention and removal office. In most cases, ICE directed agents to release OTMs with a notice to appear.

The notices usually required an OTM to appear before a federal immigration court within 30 days. In essence, the OTM was free to travel the country, with the notice serving as a de facto travel document that kept them free from arrest for 30 days.

This system, referred to by some as "catch and release," would soon come to be exploited by OTMs, primarily Central and South Americans, perhaps nowhere more blatantly than—of all places—a golf course.

(Loop)hole in one

During the early part of the last decade, Eagle Pass Municipal Golf Course tested Border Patrol agents' speed and stamina. Flanked on one side by a flea market and bustling downtown district, and on the other side by the Rio Grande River, the golf course drew multitudes of foreign nationals looking for easy access to the U.S. Aspiring crossers



mlining Enforcement

staged on the south bank of the Rio Grande, ready to take their chances.

Once across the narrow river, it was a quick sprint across two fairways to downtown where they hoped to mix in with shoppers and pedestrians. Agents assigned to work the golf course engaged in a seemingly never-ending series of high-speed foot pursuits.

From 2000 to 2005, however, a distinct pattern emerged among the individuals apprehended by agents in the Del Rio sector. During that period, total apprehensions for the sector were down substantially—from nearly 160,000 in 2000 to just less than 70,000 in 2005.

At the same time, though, the percentage of OTM apprehensions skyrocketed from 3 percent of all those apprehended to 45 percent. While the numbers of OTM apprehensions increased, they also narrowed geographically, with nine out of ten OTM apprehensions happening in the Eagle Pass area of responsibility.

"The influx of OTMs in that particular area was driven by the population directly across from that point and that subdivision on the Mexican side, which had a high

population of smugglers," said Kevin Brashear, who was patrol agent in charge of the Eagle Pass station at the time. "The [river]bank on the U.S. side is really low in that area, which made them very visible at that point; and their drive was to be seen and get caught."

OTMs, cognizant of the fact that they would likely be released with a notice to appear—which most came to refer to as their "diploma"—crossed the Rio Grande at their leisure and simply waited for a Border Patrol vehicle to come and pick them up. Eagle Pass station agents soon found themselves spending more time processing OTMs than performing any other aspect of their job.

Seeking solutions

As the phenomenon took shape during the mid 2000s, Brashear knew a solution would require going beyond any measures previously taken, and beginning in 2003, he started to formulate possibilities.

"Even before the OTM influx, because of the elements directly south of that location, ease of crossing was always high there," Brashear explained.

Eventually, word spread into Central and South America that not only was Eagle Pass an easy access point into the U.S., but once across, OTMs could legally—as they saw it, at least—remain here.

"They knew they were going to get walking papers," said Brashear. "Once they had that piece of paper, they were free to travel anywhere in the United States."

Before high numbers of OTMs began showing up in the Eagle Pass area, OTMs represented a mere 3-4 percent of total apprehensions, according to Brashear. Such administrative processing was manageable.

The high influx of OTMs posed myriad problems for Eagle Pass agents. Processing time for each OTM was two to three hours, while most Mexican nationals could be processed in 15-20 minutes. With OTMs detained in 2005 outnumbering Mexican nationals apprehended by two to one, agents were essentially tied to the processing area around the clock.

Eagle Pass station holding cells were stretched beyond capacity. The processing area became a makeshift dormitory. The floor of the entire facility was covered with people



★ Under Operation Streamline, illegal immigrants now face both criminal charges and administrative sanctions.

sitting, waiting to be processed, sleeping and eating. Portable toilets and additional air conditioning had to be installed.

"There were times when we had aliens in processing getting cell phone calls from relatives asking why they weren't being released," said Brashear. "And agents at the processing center were getting calls from relatives who had been picked up, wanting to know 'what was the hold up.'"

Even when Border Patrol officials were compelled to order huge amounts of food for the throngs of people that continuously occupied the processing center, OTMs rarely opted to partake. "They knew they had relatives waiting to pick them up and they were headed to a nice meal at a restaurant as soon as they were released," Brashear said. "Others had Western Union money orders waiting for them at the convenience store down the street and could buy what ever they wanted – food, a bus ticket north, whatever."

Enter operation streamline

All this came to a halt on Dec. 6, 2005. The Del Rio Sector launched Operation Streamline, in cooperation with the federal judiciary, U.S. Attorney's Office, U.S. Marshals Service and the ICE Office of Detention and Removal Operations.

Randy Hill, chief patrol agent of the Del Rio sector at the time, designated a target area that included the infamous Eagle Pass Golf Course. Currently chief of the El Paso sector, Hill recalls the challenges involved with implementing Operation Streamline.

"It took planning and coordination with a number of entities, but once in place it

worked very well," said Hill. "This proves that a collaborative effort among law enforcement partners can exceed the sum of its parts."

Under Operation Streamline, anyone caught entering the country illegally in that area—regardless of national origin—was sent for prosecution. Mexican nationals, who previously might have been offered voluntary return, and OTMs, who were expecting to be given a notice to appear, were baffled at the reception they received once Streamline kicked in.

U.S. District Judge Alia Ludlum, who presides over the Del Rio Division of the Western District of Texas, recalls the dismay of defendants brought into court. "It was funny because I would hear them say, 'But I went and turned myself in for Border Patrol to pick me up!'" said Ludlum. "Yeah, well those days are over."

Under Streamline, illegal entrants now faced both criminal charges and administrative sanctions.

Illegal entry into the U.S. is a violation of federal law. A first conviction is a misdemeanor that carries a sentence of up to 180 days in jail. Most first timers, although usually sentenced to 15-30 days, nonetheless were in utter dismay at this turn of events. Subsequent offenses can be prosecuted as felonies.

In addition to criminal proceedings, anyone arrested under Streamline was officially deported and barred from legally entering the U.S. for five years following their first removal and 20 years after their second removal. A conviction for an aggravated felony constituted an indefinite ban on legal entry into the U.S.

Operation Streamline soon expanded beyond the initial target area to include the whole Eagle Pass Station area of responsibility, and later the entire Del Rio Sector.

The federal courts in Del Rio saw unprecedented numbers as Border Patrol agents began applying the Streamline policy to those they apprehended, and the process eventually drove innovative technological solutions that helped clear backlogs of nearly 200 cases a day in the early part of the operation.

Reduced numbers, increased effectiveness

In recent years, caseloads have dropped dramatically, compared to the early days of Streamline.

"This last Christmas season that we might have seen a couple of days of 70 or 80 [cases], but not like we did that first year of Streamline, in 2006," said Ludlum.

Since the implementation of Operation Streamline, overall apprehensions have steadily declined in Del Rio sector, ranging from 42,636 in 2006 to 17,082 in 2009. During that time, OTMs have represented just 28 percent of total apprehensions.

As apprehensions decreased due to reduced traffic in the Del Rio sector, agents were no longer tied down with the lengthy processing required with OTM apprehensions. Significant increases in seizures of contraband are testimony to the program's effectiveness.

As agents were kept busy with OTMs during 2004 and 2005, marijuana seizures hovered around 24,000 pounds per year. With Streamline in full force, agents have seized more than 60,000 pounds of marijuana annually.

Dean Sinclair, acting chief patrol agent of Del Rio sector, lauds Operation Streamline as agents' key to protecting the border.

"Operation Streamline has proven to be a valuable tool to gaining control of our area of responsibility," Sinclair said. "The deterrence impact over the last five years has resulted in historical lows in the apprehensions of economic aliens, while freeing agents to concentrate on more serious threats."

The success of Operation Streamline has laid the groundwork for similar programs in other Southwest border sectors. In December 2006, Yuma sector began its own version

of Streamline, followed by Laredo sector in 2007, and Tucson, El Paso and Rio Grande Valley sectors in 2008.

In Eagle Pass these days, there are now two Border Patrol stations. The facility that once bulged with OTMs is now known as Eagle Pass North station.

Brashear is now patrol agent in charge

of Eagle Pass South station, a state-of-the-art facility conceived at the heart of the OTM problem. Combined apprehension numbers from both stations don't begin to approach what the old Eagle Pass station experienced five years ago.

"It's quiet now," Brashear says. "It's kind of nice."

Technology Speeds Judicial Process

While the problem at hand was the growing influx of those flouting the notice-to-appear process, the solution had to be comprehensive. The originators determined that Streamline would not work if it only targeted other than Mexicans for prosecution.

U.S. District Judge Alia Ludlum, who was instrumental in laying the groundwork for handling Streamline cases in the court system, wanted to ensure that there was no perception of discrimination based on nationality.

"Our concern was equal protection," Ludlum recalled. "So Streamline became: 'everybody gets treated the same.' It became all inclusive."

Implementation of Streamline presented a major hurdle for the federal court's Del Rio Division—how to move the increased numbers of cases through the system. The solution came in the form of information technology, or IT, systems.

"It used to take us about 12 man-hours per day," said Ludlum, referring to preparation of daily court dockets in the early days of Streamline. "We had to do it all in the mornings, which meant we had to get five or six people to work very intensely in the morning to process the paperwork," Ludlum recalled. "We were handwriting case numbers into the books, judges had to read physical paperwork, we had to make multiple copies for everyone."

Five years later, Ludlum continues to field questions from fellow jurists who want to know how all the paperwork for Streamline gets handled.

"With the push of a button, three minutes later it's all done," she explained.

"It's in the system, it's on the calendar, it's made it to the defense attorneys and prosecutors, we've shipped it back to Border Patrol with all the information, marshals have their jail lists. And, they're just astounded," Ludlum says, of those who wonder how Streamline dockets are handled. "Our IT people are actually going around the country now talking about this system."

Ludlum explained the push-of-a-button processing. "The program accepts the complaints and warrants from Border Patrol [and] sends them to the attorneys and to the judges to read," she said. "Then when the agents come in, they just use their thumbprint and it drops their signature in and the judge does the same and puts a signature in on all 80—we get them in batches of 80."

The system also enters all the information into the court's calendar and case management system, which generates a docket.

"It even enters the judgments," Ludlum said. "All we do is enter the sentence and it will spit the judgment out. It spits out the appointments, the written vouchers for the attorneys. It even e-mails to the attorneys all the written complaints so they have them even before they come into court."

The daily tasks Ludlum described prior to Streamline involved countless hours physically scanning and producing multiple documents for each case, notifying and renotifying all the entities involved in the prosecution, and rescheduling court staff to ensure sufficient support in the early morning hours before court began.

Prior to Streamline, the Del Rio



★ U.S. District Judge Alia Ludlum

Division's misdemeanor docket averaged around 2,700 cases per year; in recent years, it has jumped to more than 11,000.

"And I'm overstaffed," Ludlum said. "That little program made the difference."

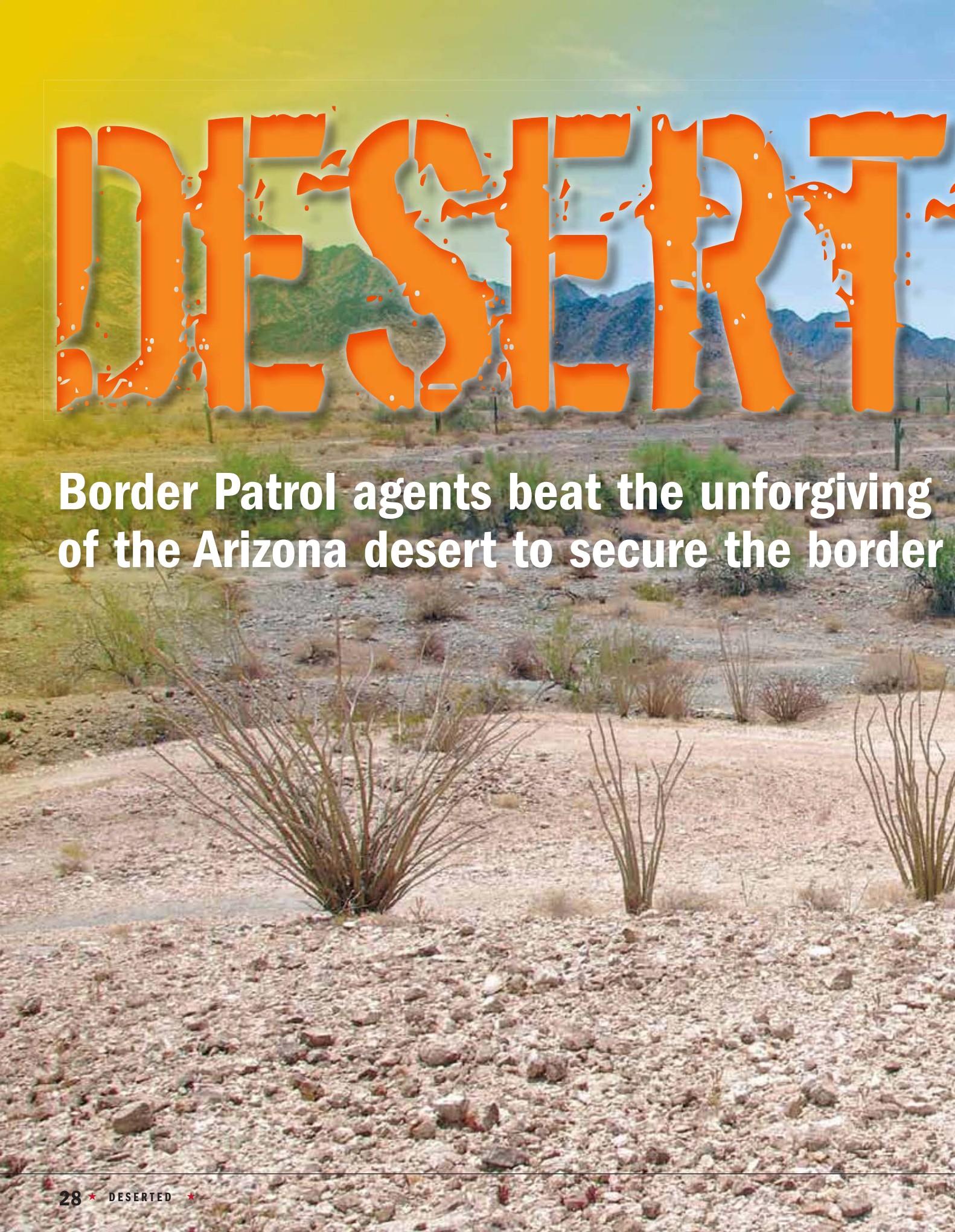
Court representatives from other areas of the country that have adopted versions of Streamline have been visiting Del Rio to learn how to improve their handling of their increased caseloads.

"There were times when we had aliens in processing getting cell phone calls from relatives asking why they weren't being released," Brashear says. "And agents at the processing center were even getting calls — [callers] knew that their relatives had been picked up already and wanted to know 'what was the hold up?'"

Border Patrol officials were compelled to order copious amounts of food for the throngs of bodies that continuously occupied the Eagle Pass processing center. However, OTMs rarely opted to partake.

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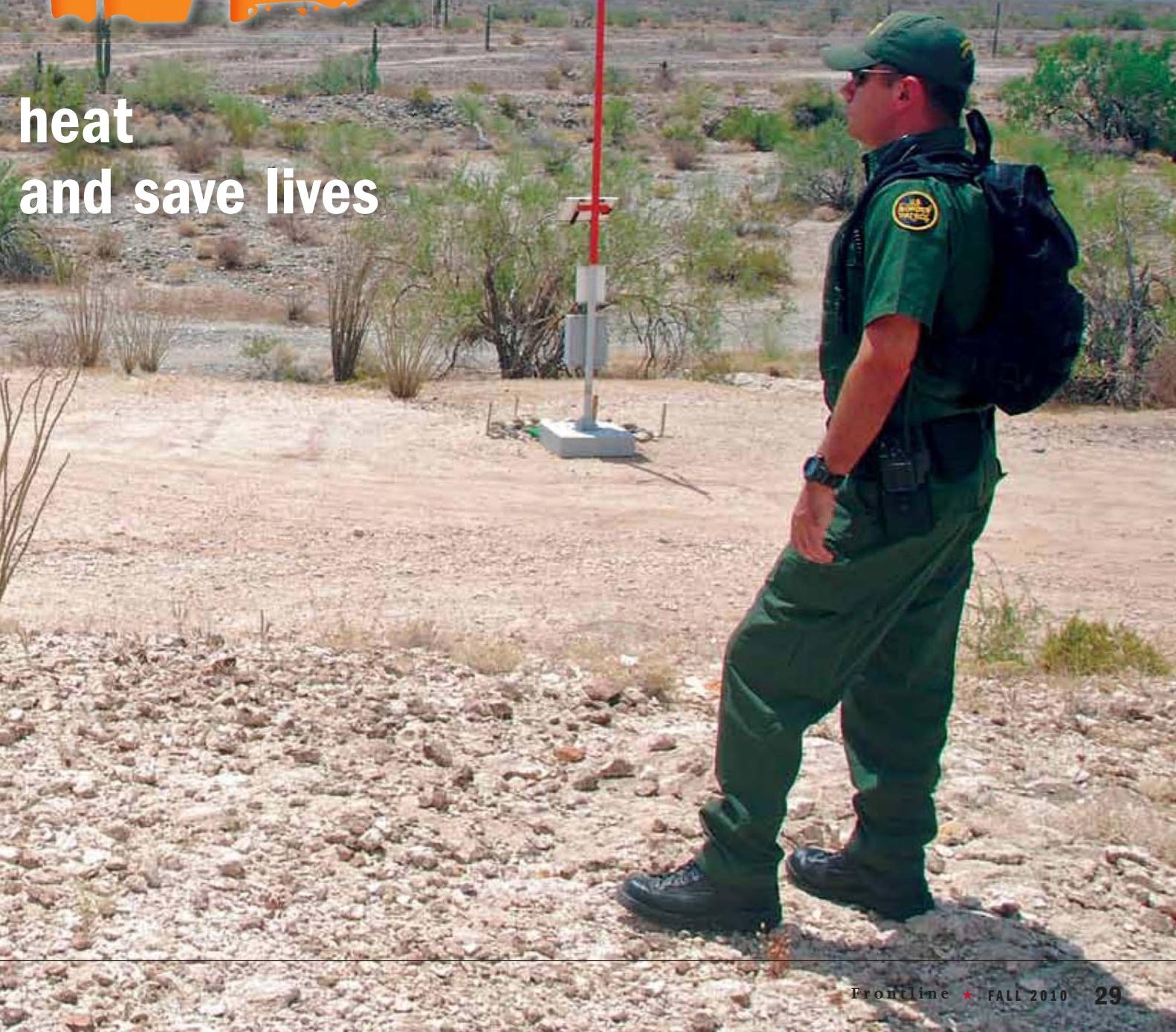
DESERT



Border Patrol agents beat the unforgiving
of the Arizona desert to secure the border

FEED

heat
and save lives





★ Border Patrol Agent Tyler Emblem surveys the dunes near Yuma. Emblem heads the search and rescue team that works out of western Arizona and is dedicated to protecting agents and the public from the dangers of the desert, including from the snakes that left tracks in the foreground.

BY ERIC BLUM

From a safe and comfortable distance—say, from Google Earth—the desert of Arizona seems both otherworldly and oddly familiar. Dusty and rocky flatlands interrupted by parched cactus and craggy mountains, this landscape triggers memories of vintage westerns where the good guys show up in the nick of time, saving the day as disappointed buzzards retreat.

But the reality is that John Wayne no longer rides these parts. And as romantic as the tales of yesteryear may be, the reality then and now is this is the most unforgiving and dangerous geography in the nation. Brutal heat, almost year-round, takes its toll on anything alive. Fact is, in these parts the buzzards rarely leave disappointed.

The Sonoran Desert dominates the lower portion of the state, stretching from the outskirts of Yuma, with its plentiful water supply thanks to the Colorado River, and widens east as it stretches beyond Tucson. Bigger than some small states, this territory is very demanding for Border Patrol agents who are on duty there around the clock, 365 days a year. They don't get to call timeout to take a breather during the heat of the day.

More agents and advances in border security across the Southwest clearly have made illegal entry into the U.S. more difficult. The result has been that smugglers and undocumented crossers seem more willing to defy the odds by risking a trip through the Sonoran. Ironically, as illegal entry decreases, deaths in the Arizona desert have steadily increased and were on a record pace this summer, threatening to surpass 200, according to Arizona health officials.

"The heat is something you never get used to," Border Patrol Agent Tyler Emblem said. He has spent the past 10 years working on the Border Patrol's Search, Trauma and Rescue team, or BORSTAR, from the Yuma Sector, which includes the western part of the desert. His team prepares agents for working in the heat, and is on around-the-clock alert to save those in trouble. "You have to respect it, prepare for it and fear it or the heat eventually will make you pay."

He is talking about an extreme, dry heat that takes your breath away, particularly during the long summer. A summer temperature in the high 90s, with a scratchy breeze

that provides little relief, is common—at midnight. During the day, triple digits are nearly constant from May through October, and during long summer days the readings at weather stations will surpass 115. The radiating heat of the desert reaches higher.

"This is probably the only place where you'll hear people say they're thankful for the cool spell, and it's 107 out," Emblem said. This extreme Arizona desert heat can prevent you from touching your car's unshaded steering wheel. It can blister your feet through your shoes. It warms "cold" tap water to the point where you think you are rinsing your mouth with five-minute-old coffee. Pick up a desert rock during the summer, and it will burn your fingers before you have a chance to drop it.

Locals race from air-conditioned cars to air-conditioned buildings to try to avoid the worst of the heat. But this is not possible for Border Patrol agents working this territory. And it is out of the question for BORSTAR agents, who respond any time, to any place when emergency calls arrive. Their first priority is to keep agents safe.

Sneak attack

Trouble sneaks up on you when you work the Sonoran. You are scanning the desert and leave your Border Patrol vehicle to get a closer look. There's a rise that would be a great vantage point to view the wide-open spaces. From the rise you see a bit of a valley that would be a natural passage. It is really hot, but you see something that might be footprints.

The morning was intense, with a long search for fleeing aliens, and it ended in quite a chase, one that really sapped your strength. You went to the air conditioned station afterwards and snapped right back, so it's surprising that the heat is beginning to get to you again. Maybe more water will help.

The footprints you sought are just ruts on a long-ago abandoned trail. You're really sweating now—small wonder with your dark green uniform, heavy vest and belt, and water pack—but it is your job to check it out. You walk a ways and realize you are getting a bit light-headed. Time to get back to your vehicle, no delays.

Easing back across the valley, you climb up the rise. The water hasn't helped and you are now nauseated and grateful that your SUV

is just beyond the next hill. But when you get there, your vehicle is nowhere to be seen. Must have confused this rise with that one.

So you take a knee for a moment, hoping the rest will help you refocus. You don't bother to look for shade, because you know none is available. You stand up and are surprised how unstable and disoriented you are. The horizon is starting to dance before your eyes. That's when you know you have no choice but to make the call.

Find, extract and treat

Those who respond to the call are BORSTAR agents. They respond to emergencies with these symptoms constantly, classic indications of heat exhaustion. It is the number one threat that BOSTAR encounters, Emblem said, and its onset and cause are unpredictable. Not enough liquids is a sure cause. But it also could be diet change, lack of sufficient sleep, stress, infection, any number of things. It could be the result of minor dehydration the day before. Untreated heat exhaustion can soon lead to heat stroke and untreated heat stroke to death.

"When we get a distress call, our job is to find the victim, get to the victim, extract the victim from the scene and provide medical care," Emblem said. To do this in an area with terrain as varied as the Yuma sector protects, the 16 members of the local BORSTAR team have different specialties. Some can accomplish rope rescues and rappelling in mountainous areas, some are trained in swift water rescues, some work with helicopters, some with boats. All go through very demanding training and all are accomplished paramedics.

The Yuma sector area of responsibility encompasses the sand dunes in Imperial County, Calif., a haven for campers, all-terrain vehicles and dirt bikes, and the mishaps that come with them.

Any injury is cause for concern, because BORSTAR in Yuma or neighboring El Centro, Calif., are the only entities equipped to respond to the scene.

This unique area sees as many as 70,000 visitors on a busy weekend. They're drawn by the miles of beach-like sand—think the desert scene in Return of the Jedi, which was shot here. It is a small, energetic and at times reckless resort. And it keeps BORSTAR agents in both sectors very busy.

East of these dunes runs the Colorado River, a major source of water for Yuma and California. Its waters can rush fast and cold into Yuma and then are diverted west. The river and canal seems to present an inviting opportunity to those attempting to cross from Mexico into the U.S. But the combination of the strong current and the cold temperatures are formidable. As are the combination of fencing and patrols to prevent illegal entry.

"We answer lots of calls from the river and canal," Emblem said. "But they often are recovery [of bodies] calls, not rescue calls. That's not what we're here to do. When there is nothing you can do, when you realize you're an hour late... that sucks."

So others might live

What BORSTAR agents are here to do is save lives. "We train hard," Emblem said. "We learn everyday. We drill. We analyze almost



★ Emblem reviews a stack of recent call logs. Almost all were for rescue of individuals suffering from heat exhaustion. "We take it personally when we lose someone..." Emblem said.

CON EL COYOTE NADA ESTA SEGURO. NI SIQUIERA TU VIDA.



★ Border Patrol tries to get the word out that illegal crossings into the U.S. are dangerous, regardless of what smugglers might say. An ad campaign tries to make this point, saying that with a coyote, nothing is safe, even your life.

every call we make. Motivation is never an issue. The mission is the only issue. And when you know that you've saved a life, well, that's extremely rewarding. Let's just leave it at that."

By virtue of his decade with BORSTAR and his life spent in the Southwest, Emblem has become Border Patrol's go-to expert on heat exhaustion. He leads the Yuma sector BORSTAR team and has helped with protocols on treating it in the field and preventing it among agents.

"Some of us exercise in the heat—carefully," Emblem said, in hopes of adapting our bodies to the extreme conditions. They "stay ahead of the hydration curve" and spike

their water with electrolytes, sodium and potassium. Not a workstation in the Yuma sector BORSTAR office is without a water bottle. One to two gallons a day is the formula.

When a call comes in, the team is ready to scramble because they know if it is heat exhaustion, the window to save someone is small. They grab their personal defibrillator and head to the vehicle best equipped to get to the scene. In the desert, this often is an all-wheel-drive Hummer. The vehicle, with special tires and fully equipped with medical supplies, traverses the rocky, rutted desert so well it has earned a reputation as a lifesaver.

The call could be for a fellow agent, but more likely it is for a hiker who got lost or got too reckless in challenging the heat, or for an illegal border crosser trying to defy the odds. When it is a matter of life and death, these issues get sorted out later.

When they reach a victim, they assess the situation, move him or her quickly from the heat, and begin the process of cooling and rehydrating the patient, usually intravenously, and transporting to a medical facility. It is a well-drilled, highly orchestrated activity that assumes the worst: the patient is inaccessible and in a perilous location such as teetering on a cliff, minutes from perishing.

"When we get a distress call, our job is to find the victim, get to the victim, extract the victim from the scene and provide medical care."

— Agent Tyler Emblem

The Devil's Highway

Roughly midway between Yuma and Tucson is a swath of the Sonoran that a smuggler might be able to point to on a map and convince the naïve that they could walk from the Mexican border, through this stretch of dirt far from civilization, to Interstate 8. Once there, you're home free, they are told. A couple of hours west is San Diego and Los Angeles. If that's not your taste, a drive east brings you to Tucson and Phoenix. Fastest, easiest, cheapest route to the American dream, the "coyotes" say.

Of course, some important details concerning the near impossibility of the challenge are left out. Such as the part about increased Border Patrol presence in this region. About their expert tracking skills. And about their checkpoints on the interstate, should you even make it to the interstate.

They also fail to mention the effects of the heat on the ill-prepared, which may force you to rest in daylight and travel at night, which likely will be disorienting and cause you to walk in circles, which certainly will cause you to weaken from exertion and lack of food and water, which will cause your coyote to abandon you, which very likely will cause you to die a painful and lonely death.

A hand-drawn wooden sign kept upright with rocks, scrawls this fateful warning: "Camino Del Diablo." The Devil's Highway actually is a historic 250-mile trail used to connect Mexico and California. But today, near Yuma, it is the metaphor for suffering, as the trail and its surrounding desert is where an average of 70 lives end each year.

Emblem describes families who have been abandoned. The mother can't go on, the father goes for help, and the teenage son sees the mom worsening and goes after the father or to assist in finding help. They all perish, separate and alone.

"Heat exhaustion is nearly impossible to treat without help," Emblem explains. "Your body is trying to keep its normal temperature of 98.6 degrees so it is cooling itself with sweat. This liquid needs to be replaced, but the water jug they carry has been out in the hot sun and can be 130 degrees or more. The body rejects anything that hot. It is a nearly impossible situation to correct in the desert without help."

Ironically, some smugglers tell their clients to paint their jugs black so the Border Patrol can't spot reflections. This actually heats the water faster. Another smugglers'



★ Illegal immigrants often find themselves abandoned and disoriented in the desert, unable to find a way out. Dozens of these rescue beacons offer a lifeline to safety and medical care, with the stark reminder: "You are in danger of dying if you do not summon help."

trick is to have their clients wear carpet or foam on their feet, saying that it will prevent them from being tracked. "It doesn't, we can still track their movement quite easily. But it can slow us a bit," Emblem said, "and sometimes that can make the difference."

You Cannot Walk to Safety from this Point'

Illegal entry and the death and suffering it causes are not something the Border Patrol or BORSTAR accepts. A long-running public education campaign warns those in Mexico and other countries south of the border of the perils of crossing the desert and in trusting coyotes. "No Mas Cruces" had a dual message

of no more crossings and no more crosses to mark new graves.

Another tool to save lives is a couple of dozen rescue beacons scattered throughout the desert. "You cannot walk to safety from this point!" it reads in English and Spanish. "You are in danger of dying if you do not summon help!" Pushing the red button promises Border Patrol will arrive within an hour with help.

"We want to save everyone, and intellectually we realize that's not possible," Emblem said. "But we take it personally when we lose someone. We have a lot of pride, a lot of dedication, and we will always try to find a way." ■

Father-Son Team Showcases Unified CBP

CBP officers uniformed in blue and Border Patrol agents in green traditionally give each other some gentle ribbing. Agents joke that CBP stands for “Call Border Patrol.” Officers respond that BP stands for “Brush Police.”

Nevertheless, most agents and officers would agree that teamwork and cooperation among the green and the blue, and the tan of Air and Marine agents, is one of CBP’s most vital strengths.

“It’s not about wearing one uniform,” said CBP Commissioner Alan Bersin. “It’s about working together and achieving a sum that’s greater than its parts. For me it comes down to one united front, a single team, where unique cultures come together to create that team—to create an environment that maximizes our agility and our effectiveness.”

The Rascon family showcases such cross-component teamwork. Ruben Rascon is a CBP officer in El Paso, Texas, currently assigned to the Ysleta cargo facility. His son, Omar Rascon, is a Border Patrol agent in Sierra Blanca, Texas, about 88 miles southeast of El Paso.

They are not the first parent-child combo to bring officers and agents together, but they underscore the importance of maintaining a strong, unified posture against the people and organizations that would do us harm.

Born in El Paso, Ruben Rascon served for 24 years in U.S. Army Special Operations Intelligence before joining the U.S. Customs Service in 1997.

“My career in customs has allowed for me to put the warrior mentality that I developed in the military into practical use in civil service,” said Rascon.

Senior Inspector Benjamin LeBron has known Rascon for more than a decade, first at U.S. Customs and now at CBP. “Ruben reports to work each and every day 45 to 60 minutes early, wearing a starched uniform and a shiny pair of boots, ready to protect

and defend America’s frontline on the southwestern border without any hesitation,” said LeBron.

But Officer Rascon’s virtues go far beyond the sartorial. He can operate every scanning system at the Ysleta cargo facility. The port director recently commended him for discovering 1,813 pounds of marijuana concealed in the floor of a tractor-trailer.

Officer Rascon also arrested a port runner at gunpoint—a fact that he modestly overlooked during an interview. “I am a strong believer in the importance of service to country,” Rascon said. “I believe I make a difference, and that’s what makes me tick.”

Rascon is proudest of his contributions to the Port of Brownsville’s intelligence program. During his assignment from February 1997 to November 1999, “I was in a position to take the near non-existent intelligence effort there and turn it into a high-functioning model of success,” said Rascon.

For incoming CBP officers, Rascon offered simple advice: “Choose law enforcement because you love it. If you’re doing it for the money, you’re doing it for the wrong reason. Service in CBP is not just a job, it’s a philosophy.”

Maintaining a healthy balance between work and family life is also important, emphasized Rascon. His family includes wife, Luisa, and sons, Ruben Rascon III and Omar Rascon. Younger son Omar decided to join his father in the CBP ranks. “My son’s decision to follow in my footsteps was a walk that we took together. I couldn’t be more proud,” said the senior Rascon.

In a separate conversation, his son echoed his father’s words: “He couldn’t be more proud,” said Border Patrol Agent Omar Rascon of his father. “The day he pinned the



★Border Patrol Agent Omar Rascon, right, with his father, CBP Officer Ruben Rascon.

badge on to my uniform at the U.S. Border Patrol Academy—that has to be one of the most memorable moments in my life. It was right up there with the day I got married!”

Agent Rascon is equally proud of his father. “He was a huge influence on me,” said Omar Rascon. “He retired from an impressive career in the Army and slipped right back into government work. He would tell me stories of the job and what kind of things the government was doing to keep America safe. He was the one that dared me to look in that direction.”

As a young man, Agent Rascon’s interests centered on film and art, but he found Border Patrol life appealing, too. “This job has many of the things that I was looking for,” he said. “It has tracking, it has horses, it has the outdoors... and you can go home every day with a clear conscience and a sense that the work you put in had a positive effect toward the safety of our communities.”

Drug smugglers, coyotes and other human traffickers, on-the-lam fugitives—these are everyday challenges for CBP officers and agents, and apprehending them is what motivates Agent Rascon. “These people have no regard for human life and their primary incentive is money,” he said. “I get a lot of satisfaction in stopping them in their tracks.”

“Remember that you can change clothes, but you represent the agency behind that uniform no matter where you are or what you’re doing.”

—Agent Omar Rascon

Agent Rascon recalls one instance involving three girls between the ages of 13 and 17 that he sent to the secondary inspection area of the Border Patrol checkpoint. “They told me they were from New Mexico and on their way to San Antonio,” he said. “It didn’t add up.”

Agent Rascon’s instincts paid off when the Amber Alert reached the station. “Those three girls had apparently run away from home,” he said, “but now they were sitting safe at my checkpoint because my training taught me to pay attention to detail.”

From where Agent Rascon sits, which often is on horseback, he can count himself among the lucky minority who can indulge their hobbies at work. An avid rider, he enjoys the time spent in the saddle on the horse patrol. “The challenges of tracking foot guides and stopping smugglers are unlike any other,” he said. “It’s a great feeling when you get to tell the rapist or the pedophile or the gang member that he doesn’t get to hide in our

country, he doesn’t get to hurt anyone here.”

Recently Agent Rascon completed a temporary duty assignment at CBP’s Washington, D.C., headquarters in the Border Patrol Field Communications Branch. He fulfilled his belief in a unified CBP mission by helping the Office of Field Operations set up an information display system for its officers. Agent Rascon spent hundreds of hours in a headquarters basement room, far removed from the fresh outdoors, working with Field Operations to create a new communications tool.

Supervisory CBP Officer Immanuel Albrecht praised Agent Rascon’s teamwork ethic and knowledge as “instrumental.”

“He was always available to critique our work and let us know about small tips and tricks that would make our message pop,” said Albrecht. “Our interactions with Agent Rascon were a great example of partnership. His motivation, pride and professionalism are a credit to himself and CBP.”

Agent Rascon recently accepted a supervisory position at the Sierra Blanca Station. His advice to newly-minted CBP officers and agents is simple: “Remember that you can change clothes, but you represent the agency behind that uniform no matter where you are or what you’re doing.”

Both Rascons agree with Commissioner Bersin’s emphasis on collaboration and cooperation. “I think he’s right,” said Agent Rascon. “I think my dad and I are part of that solution. We are all headed in that direction, and there are enough dedicated men and women already serving to make sure that it happens.”

His father concurred. “There’s nothing that I’d love to do more than to join forces with my younger son,” said Officer Rascon, “working side by side as a team, achieving the same goals and philosophies as law enforcers and as father and son.” ■

— by Kathleen Franklin



★ Agent Omar Rascon with his preferred CBP ride.

New System Helps CBP Identify Fake Products

To improve the convenience and usefulness of tools for Customs and Border Protection intellectual property rights enforcement, trademark and copyright holders can now provide their product identification guides electronically to CBP for frontline personnel to identify counterfeit goods and prevent them from entering the United States.

"I encourage right holders to create their product identification guide electronically, follow CBP's guidelines and send it to us," said Daniel Baldwin, assistant commissioner for CBP's Office of International Trade. "With an electronic process in place, CBP is now capable of providing the information to CBP field personnel nationwide for immediate use in identifying suspect shipments."

A product identification training guide is one of the most effective ways to help CBP identify counterfeit and piratical goods. Before the new system, right holders provided hard copies of their product guides in conjunction with training officers at CBP ports of entry. The new system makes these in-depth resources readily available to all CBP personnel involved in intellectual property rights enforcement.

Right holders may continue to conduct in-person field training on their products with CBP personnel, but they no longer are required to deliver printed identification

materials to each port of entry. All necessary CBP personnel will have electronic access to the approved identification tools.

CBP is working to clarify the procedures for right holders to submit their product identification guidelines to CBP. Product guides cannot address any legal authority or offer any legal opinions on actions CBP should or should not take; must not instruct CBP to examine, detain, or seize goods; and must contain the disclaimer required. Product guides will only be accepted for rights that have been recorded with CBP. Product and mark photos submitted by right holders—and web links to additional images and information—will supplement product descriptions in the electronic product guides.

Approximately 35 right holders had sent their product guidelines electronically to CBP one month after the process was announced. "The accessibility potential alone makes [the electronic product guide] really exciting for brand owners," said Leah Evert-Burks, director of brand protection for Deckers Outdoor Corporation, which holds the trademark for UGG® footwear. "Everyone lives electronically, and for CBP to be able to pull it up on their computer screens offers great ease."

Evert-Burks reported that meeting the electronic submission guidelines was "relatively easy." Her company needed only to add the required disclaimer to its existing standardized product guide and send it

to CBP electronically.

She learned of the program on July 29 and submitted it on Aug. 3. "You have to jump on these things," she said. ■

—by Erlinda Byrd



★ Which is bogus? Without brand owner guidance, consumers and CBP personnel would have a hard time telling the genuine UGG® Classic boot at left from the counterfeit on the right.



★ All fakes: A sampling of the products many try to slip past CBP. Electronic product ID guides will help CBP personnel tell true from false products.

CBP Steps up Fight Against Human Trafficking



Photo by James Turtellotte

★ Commissioner Alan Bersin displayed some of the materials created by CBP as part of the Department of Homeland Security's Blue Campaign at a launch event held this summer. The card shown is intended to be given to a possible trafficking victim and is small enough for them to hide on their person.

The spectre of modern slavery casts a long shadow, but U.S. Customs and Border Protection, along with fellow components of the Department of Homeland Security, is shining a new, blue light into the darkness.

CBP Commissioner Alan Bersin joined this summer with leadership from DHS, U.S. Immigration and Customs Enforcement, U.S. Citizenship and Immigration Services and the Federal Law Enforcement Training Center in Washington to announce the Blue Campaign, an effort designed to combat human trafficking.

CBP's role in the campaign centers on education, both with international stakeholders and within the agency. At the event, Bersin showed attendees a "shoe card," designed to be given by officers and agents to those they suspect may be victims of trafficking. The card, designed to be hidden from the victim's trafficker, provides contact information for vital aid.

Bersin also touted the fact that more than 41,000 CBP employees have already received training on the details of the global trafficking network and how to identify both potential traffickers and their victims.

"We take all crimes seriously," he said, "but human trafficking has a special place in our category of focus. It is a very serious crime, but it is also a moral outrage. It's repulsive, it's slavery, and our people need to

be alert, because so often the victims of human trafficking are not aware when they cross our border that they are about to be enslaved."

CBP has also established an advertising campaign in selected countries in Central and South America designed to educate members of the population of the potential dangers of traffickers. Called No Te Engañes, or Don't Be Fooled, the ads are airing on TV and radio in Mexico, Guatemala and El Salvador.

The Blue Campaign draws its name both from international anti-trafficking efforts that have adopted a "blue" theme, but also from the proverbial "thin blue line" represented by law enforcement, reflecting the central role played by members of the law enforcement community in fighting trafficking.

"We believe this has to be a one-U.S.-government effort, and we must work closely with all departments to effectively forge a way to combat human trafficking," said Alice Hill, senior counselor to Homeland Security Secretary Janet Napolitano. "Law enforcement is really the backbone of our efforts at DHS to fight human trafficking."

Another key to the Blue Campaign, according to the speakers, is the role of both individual community members and non-governmental organizations and charities—many of which were represented in the

audience—in helping enhance government efforts to fight human trafficking.

"We must recognize the tireless efforts of those who came before us—the prosecutors, the investigators, people in the media and advocates of all kinds, and we are here building on those efforts," said ICE Assistant Secretary John Morton. "We build on those efforts today in the hope that one day we won't have to investigate human trafficking at all, and we have much work to do between now and that day."

The materials created for the campaign outline many of the sinister elements of the human trafficking trade, including the fact that most victims are brought into the country on promises of new lives for themselves and their families, only to have their dreams taken from them.

It was clear at the event that the nature of the crime inspires passion among the leadership of DHS and its component agencies as they face this mission.

"We are proud," said Bersin, "to join forces with the NGO [non-governmental organization] community, with our partners in the federal government and in DHS to give an unequivocal message to those who would engage in the abhorrent practices of modern day slavery: We will find you. We will arrest you. We will prosecute you, and we will free your victims." ■

— by Jay Mayfield



BORDER WARS

WEDNESDAYS 9P^EP



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Air and Marine Assists in the Recovery of Human Remains Missing 13 Years in California's Death Valley



★ Air interdiction agents assigned to the Riverside Air Unit were called to assist Interpol and the Inyo County, Calif., sheriff with the recovery of the remains of four German tourists who disappeared 13 years ago.

Air interdiction agents assigned to the Riverside Air Unit know firsthand the dangers of flying long missions over the hottest and driest place in North America: California's Death Valley.

When they were called to assist Interpol and the Inyo County, Calif., sheriff with the recovery of the remains of four German tourists who disappeared 13 years ago, they knew they had to defy the flaming desert by flying to remote areas with few refueling options.

This extraordinary mission brought new urgency to this old missing persons case. In October 1996, Egbert Rimkus, 34, his son George Weber, age 9, Cornelia Meyer, age 26, and her son, age 4, were reported as missing. The four German nationals, tourists in the U.S., had never returned to Germany and

their rental car was found abandoned in an isolated area of Inyo County.

Over the years, numerous searches were conducted but nothing was ever located until last November when two off-duty search and rescue officers found the remains of Cornelia Meyer. This finding spurred a multi-agency search operation comprised of more than 30 staff members across the state.

Due to the remote and treacherous conditions of the desert, it would normally take a two-day hike for search and rescue teams to arrive at the discovery area, but CBP's Office of Air and Marine was ready to provide aerial assistance.

"We engaged in a three-day, two-helicopter mission, providing a total 18 hours of flight time," said Glen Nielsen, supervisor at the Riverside air unit.

On board A-Star helicopters, CBP

air interdiction agents Morty Howard and Derrick Block were able to locate and mark the rest of the human remains on the ground and establish landing zones for the pick-up/drop-off of the remains.

In a letter of appreciation, Detective Sergeant Jeff Hollowell of the Inyo County Sheriff's Department wrote, "This entire operation would have been extremely difficult to conduct without the assistance of helicopters. Thanks to the assistance of CBP, numerous families in Germany will have some closure to a missing persons case that is 13 years old."

The participation of CBP air interdiction agents was critical not only to locating all the human remains but to providing transport for all investigators and recovery personnel participating in the mission. ■

—by Jaime Ruiz

New ESTA Fee to Cover Costs, Promote Travel

New regulations now require travelers from Visa Waiver Program countries to the United States to pay operational and travel promotion fees when applying for an Electronic System for Travel Authorization, or ESTA.

Registrants for a new or renewed ESTA pay a total fee of \$14. Of that fee, \$4 recovers U.S. Customs and Border Protection's costs to provide and administer the ESTA system. The remaining \$10 pays a mandatory travel promotion fee established by the Travel Promotion Act of 2009, enacted as Section 9 of Public Law 111-145, the United States Capitol Police Administrative Technical Corrections Act of 2009. If a traveler is denied an ESTA, the fee is reduced to \$4.

All payments for electronic travel authorization applications must be made online by credit card or debit card when applying for or renewing an ESTA. The ESTA system currently accepts only MasterCard, VISA, American Express, and Discover credit/debit cards. CBP will only submit applications for processing after receiving full payment information.

DHS published a notice of the interim final rule in the Federal Register on August 6 and will accept comments on the proposed rule through October 8. Fee collection began for ESTA applications filed on or after September 8.

ESTA applications may be submitted at any time prior to travel. Once approved,



*Electronic System for
Travel Authorization*

U.S. Department of Homeland Security ®

authorizations generally are valid for multiple U.S. entries for up to two years or until the applicant's passport expires, whichever comes first. Under the new interim final rule, travelers with an approved ESTA will not need to pay the ESTA fee when updating an ESTA application. However, travelers with new passports and re-applying for an ESTA will need to pay the ESTA fee.

In early August when the coming change in ESTA cost was announced, word quickly spread on several international travel websites. Some sites advised potential travelers to sign up for an ESTA now to avoid paying future fees, even if they had no U.S. trips planned. The travelers listened. On the day the interim rule was published, before the news had reached overseas, CBP received 40,673 ESTA applications. On August 11, CBP logged 74,997 ESTA applications.

Citizens interested in commenting on this rulemaking—identified by docket

number USCBP-2010-0025—may submit written comments by visiting the Federal eRulemaking Portal, www.regulations.gov, or by mail at: Border Security Regulations Branch, Office of International Trade, Customs and Border Protection, (Mint Annex), Washington, D.C. 20229.

ESTA is an electronic travel authorization that all nationals of Visa Waiver Program countries must obtain prior to boarding a carrier to travel by air or sea to the United States if they are traveling under the VWP authority. This travel authorization has been mandatory since Jan. 12, 2009.

The VWP is administered by DHS and enables eligible nationals of 36 designated countries to travel to the United States for tourism or business for stays of 90 days or less without obtaining a visa. Additional information about ESTA is available at www.cbp.gov/esta. ■

GLOBAL ENTRY Website DEBUTS

Customs and Border Protection has unveiled a sleek and easy-to-use website to promote enrollment in Global Entry, the automated program allowing pre-approved air travelers to expedite their U.S. entry.

The website redesign is an early step in an ongoing CBP drive to boost participation in its Trusted Traveler programs, which facilitate travel and improve U.S. border security.

Global Entry members, who have been interviewed and approved by CBP officers, insert their machine-readable passport or permanent resident card into the electronic kiosk at the airport. Then they are verified by the kiosk fingerprint-reading device and they use a touch screen to complete their customs declaration. The kiosk issues a transaction receipt, which they present to a CBP officer at the exit, and they're on their way.

Check out the new site at www.globalentry.gov. ■



From Rescue Dog to Outstanding CBP Agriculture Detector Dog

After spending more than a year locked up in a kennel, CBP Agriculture Canine Hazel's outlook in life seemed bleak. That was until she was rescued by a kind lady who has dedicated her time to rescuing beagles for a "mission."

Hazel was rescued and donated to the CBP Agriculture Detector Dog program in early 2009. She and her handler, Agriculture Quarantine Inspection Canine Officer Cassandre Boeri, graduated from the USDA Detector Dog Academy in March 2009.

After graduation they were assigned to Fort Lauderdale International Airport where they have been busy protecting south Florida's agriculture. They prevent

harmful pests and plant and animal diseases from entering our ports.

Since the beginning of fiscal year 2010, Boeri and Hazel have made 214 significant agriculture finds. The most recent was on August 17 when they intercepted 19 passion fruits, 33 sugarcanes, seven yams and about 1.5 kg of unknown green leaves from a passenger's luggage.

Their second largest was in May, when the team discovered a passenger carrying 14 passion fruits, 18 guavas, 18 mangoes, and 1 kg of pork in his bags.

In the short time that 5-year-old Hazel has been with CBP, she has demonstrated to be a truly impressive and outstanding agriculture detector dog. ■



★ Hazel was rescued and donated to the CBP Agriculture Detector Dog program in early 2009.



★ This is the first confirmed interception of emerald ash borer at any port of entry in the United States.

Sault Ste. Marie, Mich.—CBP agriculture specialists at the International Bridge discovered an unwanted alien hitching a ride in a load of firewood entering the country on Thursday, July 29. A camper heading into the U.S. for the weekend was transporting the wood.

While inspecting the firewood, agriculture specialists discovered signs of bug infestation including exit holes and

tunneling under the bark. Further inspection revealed an adult beetle within the bark. Agriculture specialists tentatively identified the beetle as an Agrilus planipennis or emerald ash borer. The beetle was submitted to a USDA identifier who confirmed that it was an emerald ash borer.

This is the first confirmed interception of emerald ash borer at any U.S. port of entry.

"There can be hidden threats in agriculture products that could endanger our natural resources and our economy.

CBP Officer Discovers Emerald Ash Borer in Firewood

CBP agriculture specialists and officers in Sault Ste. Marie target, detect and intercept these threats before they have a chance to do harm," said Devin Chamberlain, CBP port director. "This is a great example of our CBP agriculture specialists doing their job and doing it well."

The emerald ash borer is an exotic wood boring pest native to China. The pest was discovered in southeastern Michigan in 2002 and has spread to surrounding states. Over 30 million ash trees have been destroyed by this infestation and losses are estimated in the tens of millions of dollars. ■

BorderBusts



Border Patrol Foils 2 Marijuana Growing Operations

Rainbow, Calif.—Border Patrol agents discovered a clandestine marijuana growing

operation Aug. 19 and eradicated 95 mature marijuana plants near Rainbow, Calif.

Agents located the illegal operation while patrolling a remote area nearly one mile west of Interstate 15.

This was the second marijuana growing operation that agents discovered in one week in North San Diego County. On Aug. 12, agents located and destroyed 930 marijuana plants growing throughout a remote five-acre plot about one mile west of Interstate 15 near Bonsall, Calif.

No arrests were made in either incident.

The marijuana plants were turned over to a multi-agency anti-drug task force.



CBP Retrieves Marijuana Bundles from River

Havana, Texas—Border Patrol and Air and Marine agents and the Palmview Fire Department retrieved bundles of marijuana from the Rio Grande on Aug. 15.

An Air and Marine helicopter patrolling the Rio Grande observed several bundles afloat in a flooded area south of Havana, Texas. The airborne agents summoned ground agents as well as the Palmview Fire Department and they retrieved 21 bundles, weighing close to 600 pounds, from the floodwaters.

The narcotics had an estimated value of almost \$500,000 and were turned over to the Drug Enforcement Administration.

"Most likely, the drugs were abandoned by smugglers after the smugglers became aware of the Office of Air and Marine unit approaching," Acting Chief Patrol Agent Ricardo E. Aguirre said. "This is a good example of how efforts between local, state, and federal agencies are successful, not only in saving lives, but effective in the deterrence of crime."



Joint Operation Yields \$6.2 Million in Counterfeit Jeans

Los Angeles—Counterfeit “True Religion” jeans with a manufacturer’s suggested retail value of more than \$6.2 million were seized Aug. 17 during a joint operation among CBP officers at the Los Angeles/Long Beach Seaport, U.S. Immigration and Customs Enforcement agents, and Los Angeles Police Department detectives.

“By partnering with industry and other government agencies such as ICE and LAPD, all enforcement efforts are mutually enhanced in the combat of cross-border trade in counterfeit and pirated goods. Joint cooperation in such working relationships accomplishes large success,” said Carlos Martel, CBP acting director of field operations in Los Angeles.

Intellectual property theft and trade in counterfeit and pirated goods threatens America’s innovation-based economy, the competitiveness of the nation’s businesses, the livelihoods of U.S. workers, and, in some cases, national security and the health and safety of American consumers.



Vessel Carrying 241 kg of Cocaine Interdicted

Aguadilla, P.R.—Air and Marine units intercepted a makeshift vessel with 241 kg of cocaine on board near the west coast of Puerto Rico on Aug. 12.

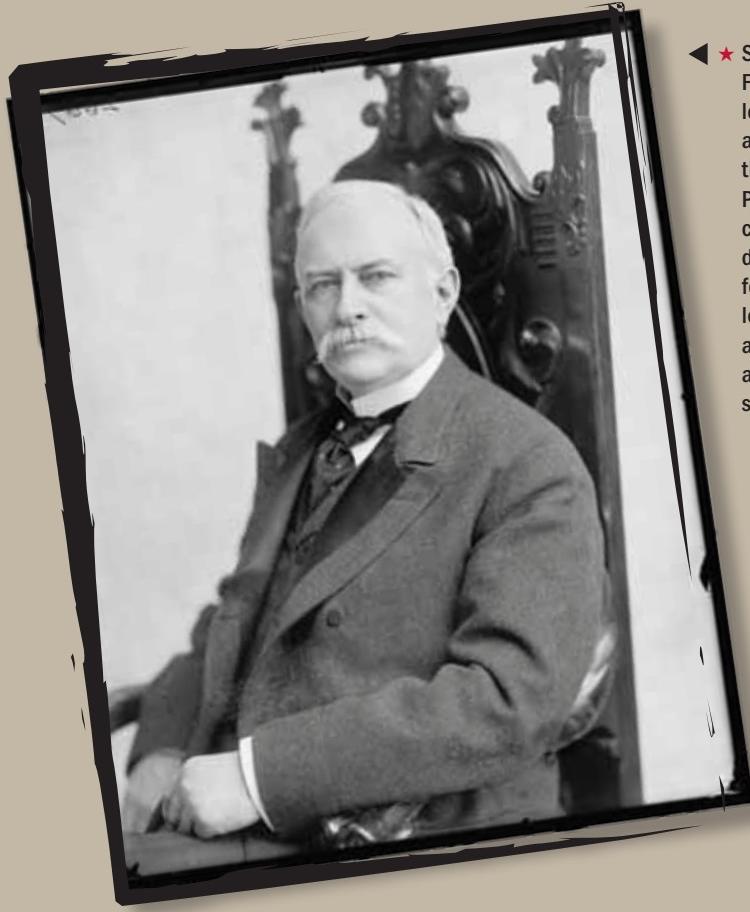
A DHC-8 aircraft from the CBP Caribbean Air and Marine Branch detected a makeshift vessel or “yola” traveling towards the island with the lights out.

Two CBP marine interceptors located the suspect vessel. A marine pursuit ensued until the vessel stopped.

Upon boarding the vessel, the marine interdiction agents discovered 209 bricks of a substance believed to be cocaine, which a field test confirmed. The estimated street value of the seized contraband is approximately \$8 million.

The narcotics, the vessel and the occupants, both U.S. citizens, were transported to the Boqueron Marine Unit headquarters. Custody was transferred to Immigration and Customs Enforcement for further processing.

Duties on Oranges Redefines



◀ ★ Sen. Joseph Benton Foraker sponsored legislation known as the Foraker Act that exempted Puerto Rico from customs duty and defined citizenship for its people. This legislation generated a dispute over a customs duty on a shipment of oranges.



Decisions of great historical consequence are often born of routine activities, and this was demonstrated in the early 20th century by a legal dispute involving Puerto Rico and a customs duty. The questions raised by this dispute not only affected the Puerto Rican people and commerce, but also helped to define American policy for what became known as the insular territories.

The insular territories are lands outside the continental U.S. that were acquired in the 19th and 20th centuries. With their acquisition came new questions that ranged from whether customs duties are to be imposed on items produced in the affected territories to how American citizenship ultimately was bestowed.

For the area contiguous to the nation

in the North American continent, the process for the development of territories and the creation of states was outlined in the Northwest Ordinance of 1787. This ordinance called for the organization of a territory after a critical mass of settlers had moved into the area. But for island and nonadjacent territories, neither the process for recognition nor citizenship was defined.

For Puerto Ricans, the definition of citizenship was brought into question by a court case seeking redress over customs duties charged on a shipment of oranges. Puerto Rico was ceded to the U.S. along with Guam and the Philippines by the Treaty of Paris in 1898, which ended the Spanish American War. This acquisition created a dilemma for the federal government that was debated by the Senate before the treaty

was ratified. According to Ohio Sen. Joseph B. Foraker, the Senate questioned every aspect of the transfer of these territories to U.S. control. Writing in the North American Review, he outlined the issues as "... first, whether or not our Government had any power to acquire territory in the way proposed; in the second place, whether or not we had power, when it was acquired, to hold it unaccompanied by present intention of making it ultimately a State; and, in the third place, whether or not, if we acquired and held it, we had the power to govern it"

Sen. Foraker answered these questions for Puerto Rico by sponsoring legislation that created the territory's civil government, established its relationship to the federal government, and redefined the people of Puerto Rico. Section seven of the Foraker Act

Citizenship for Puerto Ricans

◀ ★ George Bidwell, customs collector of the Port of New York, was sued by Samuel Downes over a customs duty on a shipment of oranges from Puerto Rico. The case known as *Downes v. Bidwell* helped to define American policy for nonadjacent possessions known as the insular territories.



★ U.S. Secretary of State John Hay signs the Treaty of Paris, ending the Spanish American War and giving control over Puerto Rico, Guam, and the Philippines to the U.S.

provided that all Puerto Rican inhabitants and their "children born subsequent thereto" ceased to be "Spanish subjects" and became citizens of Puerto Rico who were "entitled to the protection of the United States." President William McKinley signed this act into law on April 12, 1900.

The Foraker Act also exempted goods produced in Puerto Rico from customs duty when entering the ports of the U.S. In November 1900, a test to the Foraker Act's duty exemption ultimately changed the status of all residents of Puerto Rico. The Port of New York charged the importing firm of S.B. Downes & Company a duty in the amount of \$659.35 on oranges from Puerto Rico. The firm's proprietor Samuel Downes sued George R. Bidwell, customs collector for the Port of New York, to recover the duties. The

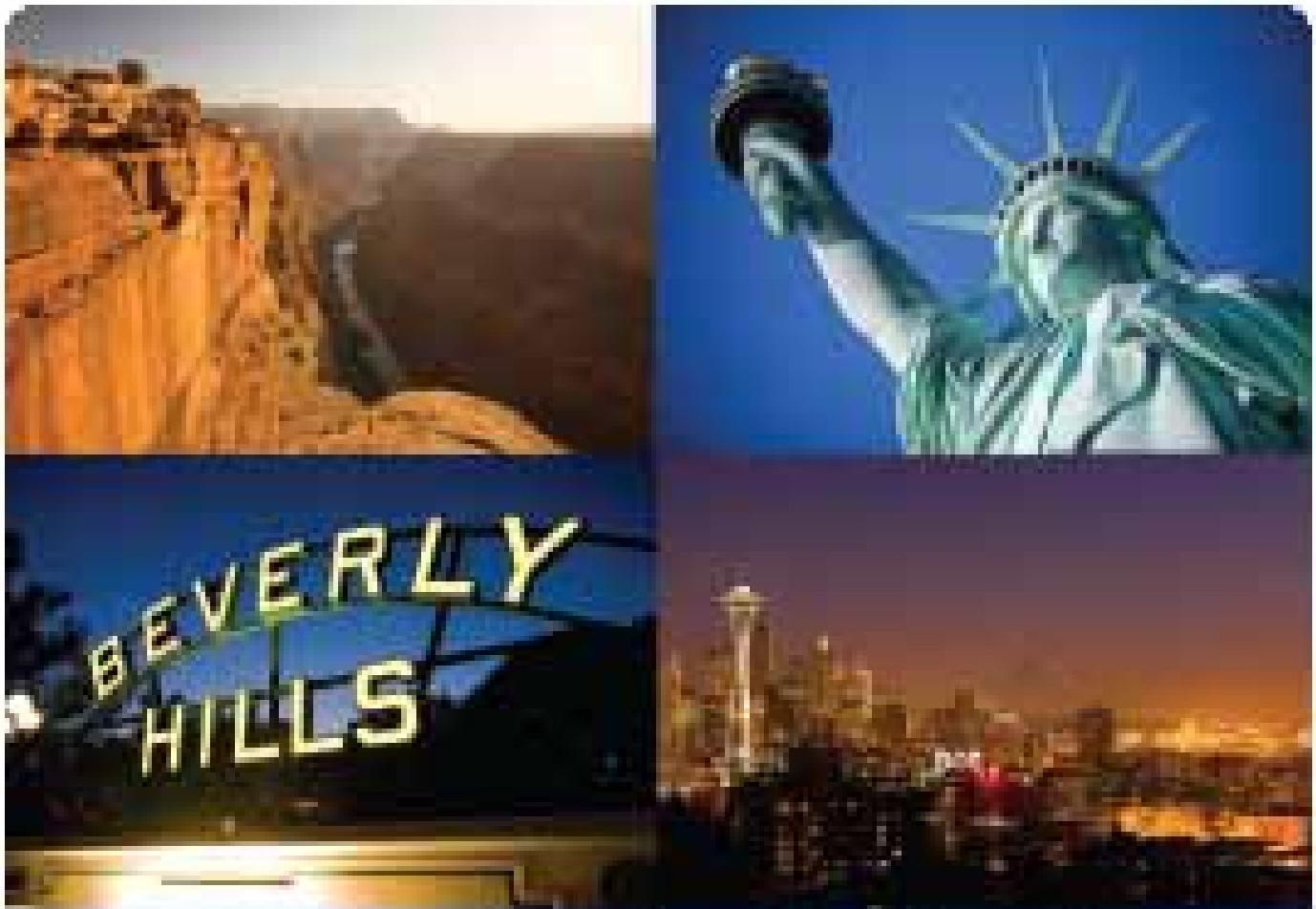
case was appealed to the U.S. Supreme Court where the customs collector prevailed, and the court used the case to define how the newly acquired territories of the United States and their people were to be treated by the American government.

In a concurring opinion, U.S. Supreme Court Justice Edward White introduced the doctrine subsequently titled "the Constitution does not follow the flag." It held that these territories could be maintained as "unincorporated" possessions of the U.S. indefinitely without being placed on the path to statehood. This doctrine also provided that the residents of the territories were not entitled to the full rights guaranteed to American citizens in the U.S. Constitution—only to the rights and protections that Congress granted. This

doctrine meant that Congress had the ability to establish the rights and privileges for inhabitants of "unincorporated" territories on an individual basis.

For the people of Puerto Rico, the court's decision meant that they did not receive full citizenship until America's entry into World War I. From 1900 to 1904, the U.S. considered Puerto Rican citizens as foreign nationals until the Supreme Court ruled otherwise. On Sept. 6, 1904, the Supreme Court overturned this practice by stating, "Puerto Rican citizens are not aliens," but stopped short of granting them U.S. citizenship. On March 2, 1917, President Woodrow Wilson signed the Jones Act into law, which granted American citizenship to persons born in Puerto Rico. ■

—by David D. McKinney, Ph. D.



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- I-551, Permanent Resident Card ("Green Card") www.uscis.gov

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- Passports – www.travel.state.gov/passport
- Visas – www.travel.state.gov/visa
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